

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION**

P.O. BOX 1105

Richmond, VA 23218

Subject: Guidance Memo No. 14-2017

Implementation of VPA Regulation and General Permit for Animal Feeding Operations and Animal Waste Management Amendments, VPG1

To: Regional Directors

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Date: November 12, 2014

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Summary:

This guidance identifies significant changes that have been made to the regulation during a regulatory action, provides DEQ staff with guidance on the implementation of these changes, and clarifies certain aspects of the permit process. This guidance replaces the following Guidance Memos GM05-2008 and GM95-009.

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQnet, and for the general public on DEQ's website at

<http://www.deq.state.va.us/Programs/Water/Laws,Regulations,Guidance/Guidance/WaterPermitGuidance.aspx>

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Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

Guidance for Implementation of VPA Regulation and General Permit for Animal Feeding Operations and Animal Waste Management Amendments

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I. Background

On March 28, 2014, the State Water Control Board adopted final amendments to the VPA Regulation and General Permit for Animal Feeding Operations and Animal Waste Management, 9VAC25-192-10, *et seq*, that allow for the reissuance of the general permit, which becomes effective on November 16, 2014. These final amendments included the addition of requirements regarding off-site management of animal waste in the Commonwealth similar to those adopted in the Poultry Waste Management regulatory action taken in 2009 and the addition of requirements to manage off-site generated waste. This guidance identifies changes that have been made to the regulation during the regulatory action, provides DEQ staff with guidance on the implementation of these changes, and clarifies certain aspects of the permit process.

Copies of the most recent adopted regulation and general permit, revised general permit, example transmittal letters, revised registration statements with instructions, new animal waste transfer recordkeeping form, and the end-user recordkeeping forms are attached to this guidance and are available on DEQnet at this link: [Guidance Amended GP 2014](#). The new Animal Waste Fact Sheet can also be found on DEQnet at the link above.

II. Significant Changes to the Regulation and General Permit (by section)

The changes made to the regulation affect the permitted AFO owner and a new entity: the animal waste end-user. The requirements for the permitted AFO owner were amended regarding recordkeeping and waste storage. New requirements were added to allow for the transfer of animal waste off-site and for the use of off-site generated waste. Technical requirements otherwise known as technical regulations were added to 9VAC25-192-10 *et seq*, which specify the utilization and storage of animal waste and recordkeeping of animal waste transfers. In addition, the option is available to cover an end-user of animal waste under the general permit. Section II and III of the general permit contain the requirements for the end-user covered by the general permit and closely mirror the requirements of the permitted AFO owners.

The amended and adopted regulation which includes the contents of the general permit (effective November 16, 2014) can be found in Appendix A.

9VAC25-192-10. Definitions.

New * and revised ** definitions based on regulation amendments effective as of November 16, 2014 can be found below.

- A. ** "**Agricultural storm water discharge**" means a precipitation-related discharge of manure, litter, or process wastewater that has been applied on land areas under the control of an animal feeding operation or under the control of an animal waste end-user in accordance with a nutrient management plan approved by the Virginia Department of Conservation and Recreation and in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater.

B. ** "Animal feeding operation" means a lot or facility where the following conditions are met:

1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and

2. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the operation of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation for the purposes of determining the number of animals at an operation, if they adjoin each other, or if they use a common area or system for the disposal of wastes.

C. * "Animal waste" means liquid, semi-solid, and solid animal manure and process wastewater, compost, or sludges associated with animal feeding operations including the final treated wastes generated by a digester or other manure treatment technologies.

D. * "Animal waste end-user" or "end-user" means any recipient of transferred animal waste who stores or who utilizes the waste as fertilizer, fuel, feedstock, livestock feed, or other beneficial use for an operation under his control.

E. * "Animal waste fact sheet" means the document that details the requirements regarding utilization, storage, and management of animal waste by end-users. The fact sheet is approved by the department.

F. * "Beneficial use" means a use that is of benefit as a substitute for natural or commercial products and does not contribute to adverse effects on health or environment.

G. * "Nutrient management plan" or "NMP" means a plan developed or approved by the Department of Conservation and Recreation that requires proper storage, treatment, and management of animal waste and limits accumulation of excess nutrients in soils and leaching or discharge of nutrients into state waters; except that for an animal waste end-user who is not covered under the general permit, the requirements of 9VAC25-192-90 constitute the NMP.

H. * "Organic source" means any nutrient source including, but not limited to, manures, biosolids, compost, and waste or sludges from animals, humans, or industrial processes, but for the purposes of this regulation it excludes waste from wildlife.

I. * "Waste nutrient analysis rate" means a land application rate for animal waste approved by the board as specified in this regulation.

J. ** "Waste storage facility" means a waste holding pond or tank used to store manure prior to land application, or a lagoon or treatment facility used to digest or reduce the solids or nutrients, or a structure used to store manure or waste.

The **Operator** and **Permittee** definitions were removed during this regulatory action. Prior to this amendment, the regulation and the contents of the general permit were written to regulate the operator and the permittee. By definition: the "operator" meant any person who owns or operates the animal feeding operation, and the "permittee" meant the owner of the AFO covered under this general permit. In order to clarify which entity is regulated,

the terms operator and permittee were removed and replaced with the owner of the animal feeding operation.

9VAC25-192-20. Purpose; delegation of authority; effective date of permit.

This section was amended to allow for the activities of the animal waste end-user to be covered by the general permit. Additionally, the language was amended to extend the general permit term another 10 years, expiring on November 15, 2024.

A. This general permit regulation governs the pollutant management activities at animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system not covered by a Virginia Pollutant Discharge Elimination System (VPDES) permit and animal waste utilized or stored by animal waste end-users. These animal feeding operations may operate and maintain treatment works for waste storage, treatment, or recycling and may perform land application of manure, wastewater, compost, or sludges.

9VAC25-192-25. Duty to comply.

This new section was added to the regulation to clarify the duty to comply with the regulation and general permit.

A. Any person who manages or proposes to manage pollutants regulated by 9VAC25-192 shall comply with the applicable requirements of this chapter.

B. In order to manage pollutants from an animal feeding operation, the owner shall be required to obtain coverage under the Virginia Pollution Abatement (VPA) general permit or an individual VPA permit provided that the owner has not been required to obtain a Virginia Pollutant Discharge Elimination System (VPDES) permit. The owner shall comply with the requirements of this chapter and the permit.

C. An animal waste end-user shall comply with the technical requirements outlined in [9VAC25-192-80](#) and [9VAC25-192-90](#).

9VAC25-192-50. Authorization to manage pollutants.

The following excerpt was added to section 50 of the regulation during the regulatory action in order to allow for the continuation of permit coverage, so long as the permittee submits, to the Department, a complete registration statement and required documents on or before November 15, 2014.

C. Continuation of permit coverage.

1. Any owner that was authorized to manage pollutants under the general permit issued in 2004 and that submits a complete registration statement on or before November 15, 2014, is authorized to continue to manage pollutants under the terms of the 2004 general permit until such time as the board either:

a. Issues coverage to the owner under this general permit; or

b. Notifies the owner that coverage under this permit is denied.

2. When the permittee that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the board may choose to do any or all of the following:

- a. Initiate enforcement action based upon the expiring or expired general permit;
- b. Issue a notice of intent to deny coverage under the reissued general permit. If the general permit coverage is denied, the owner would then be required to cease the activities authorized by the expiring or expired general permit or be subject to enforcement action for operating without a permit;
- c. Issue an individual permit with appropriate conditions; or
- d. Take other actions set forth in the VPA Permit Regulation ([9VAC25-32](#)).

9VAC25-192-60. Registration statement.

Since the regulation and general permit now governs three additional activities: the transfer of animal waste off-site; the management of off-site generated waste; and the utilization and storage of transferred animal waste by an end-user, this section was amended. The most significant change to this section is to allow for the animal waste end-user to register for coverage under the general permit.

It is important, with the addition of these activities, that staff can evaluate the activities which will take place at the operation using the information contained in the registration statement. In order to obtain the appropriate information for staff evaluation, the following items were added to the registration statements: the types and amounts of wastes which will be managed at the facility; and the types and amounts of wastes which will be transferred off-site.

The owner's name, address, phone number and email address as well as the farm name were also added to the registration statement.

The registration statement and instructions have been revised to reflect the amendments including the development of a new registration statement for the animal waste end-user. The registration statements can be found on [DEQnet](#).

9VAC25-192-70. Contents of the general permit.

Part I-Pollutant Management and Monitoring Requirements for Animal Feeding Operations

Waste Storage Requirements

Many of the permit conditions related to waste storage were amended. Significant changes are listed below:

1. Virginia Department of Professional and Occupational Regulation (DPOR) does not recognize a professional engineer unless they are licensed in Virginia. The special condition which states that the storage must be certified by a licensed professional engineer was clarified by adding *Virginia* to the condition.
2. DPOR also has strict requirements under which job approval authority can be used. The State Engineer with the USDA-NRCS has determined that job approval authority that was previously given to an employee of the Soil and Water Conservation District will no longer be allowed due to the DPOR restrictions. Removed the language to accept the certification from a Soil and Water Conservation District employee with the appropriate job approval authority.

3. Added language to allow for waste storage and treatment facilities other than those that contain liquid to be constructed at an operation. This condition is consistent with other conditions for the construction of storage and treatment facilities.
4. Revised the freeboard condition to mirror the law and to clarify the requirement. The language now reads: *All liquid waste storage or treatment facilities shall maintain at least one foot of freeboard at all times, up to and including a 25-year, 24-hour storm.*
5. Prior to this amendment, semi-solid and solid waste storage was not addressed in the permit or regulation. Requirements have been added to ensure that adequate storage is provided for semi-solid and solid waste which is stockpiled outside for more than 14 days. This new condition mirrors the storage requirements contained in the poultry regulation related to waste which is stockpiled outside for more than 14 days. Adequate storage is defined in this condition and comprises of the following requirements :
 - a. Waste shall be covered to protect it from precipitation and wind;
 - b. Storm water shall not run onto or under the stored waste;
 - c. A minimum of two feet separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored waste. All waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot separation between the seasonal high water table and the impermeable barrier. "Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers shall be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum permeability rating of 0.0014 inches per hour (1×10^{-6} centimeters per second); and
 - d. For waste that is not stored in a waste storage facility or under roof, the storage site must be at least 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs.
6. Added conditions related to alternative treatment of wastes in a digester or other manure treatment process including department approval, management through a NMP and recordkeeping requirements.
7. Added a condition which outlines the requirements for closing a waste storage or treatment facility when it is no longer needed. Prior to this action, this requirement was included in the special conditions of the NMP. DCR removed the condition when they found their regulations did not give them the authority to include the condition in a NMP.

Waste Management and Land Application Requirements

Many of the permit conditions related to land application were amended. Significant changes are listed below:

1. Added a condition prohibiting land application of any waste the facility generates on fields owned or operated by the permittee unless the land is included in the facility's NMP. This requirement was added to close a potential loophole which may be opened by allowing transfers of animal waste.
2. Clarified the condition restricting land application of waste within buffer zones.

3. Added conditions to allow for the transfer of waste off-site to an animal waste end-user. Requirements to allow for the transfer of waste include:
 - a. either managing the waste under the permittee's approved NMP, or
 - b. another permitted facility's approved NMP, or
 - c. if the animal waste is registered with the Virginia Department of Agriculture and Consumer Services (VDACS) in accordance with the regulations adopted pursuant to subdivision A 2 of [§3.2-3607](#) of the Code of Virginia; or
 - d. by obtaining and maintaining records required by the general permit. Details for the recordkeeping requirements can be found in the next section.
4. Added conditions to allow waste to be treated by a digester or other manure treatment technologies. Requirements to allow for a digester or other manure treatment technologies to be used at the facility include the items listed below:
 - a. the waste treatment process shall be approved by the department, and
 - b. shall be managed by a facility covered under this permit and in accordance with the following conditions:
 - i. all treated wastes generated by a digester or other manure treatment technologies must be managed through an approved nutrient management plan, or
 - ii. transferred to another entity in accordance with animal waste transfer conditions found in the general permit.
5. Added conditions to allow the utilization of off-site generated waste as a feedstock. Requirements include the items listed below:
 - a. when a facility covered under this permit generates a treated waste from animal waste and other feedstock, the permittee shall maintain records related to the production of the treated waste. Details for the recordkeeping requirements for both the off-site generated wastes and all treated wastes generated by the facility can be found in the next section.

Recordkeeping Requirements

All records shall be made available to department personnel upon request. Permittees shall maintain the records required by the general permit on site for a period of three (3) years.

Land Application Recordkeeping:

Permitted AFO Owner must maintain records on site for a period of five years after the date the application is made. The items listed below shall be made available to department personnel upon request:

- i. The identification of the land application field sites where the waste is utilized or stored;
- ii. The application rate;
- iii. The application dates; and
- iv. What crops have been planted.

Animal Waste Transfer Recordkeeping:

- A. Permitted AFO Owner must:
 - i. Provide name and address of recipient in transfer records

- ii. Maintain additional recordkeeping items related to animal waste transfers when more than 10 tons of solid or semi-solid waste or more than 6,000 gallons of liquid waste are transferred in any 365 day period.
- B. Animal Waste End-Users must:
- i. Follow technical requirements in the regulation
 - ii. Provide information to the AFO owner for the waste transfer recordkeeping
 - iii. Maintain records of animal waste transfers of more than 10 tons of solid or semi-solid waste or more than 6,000 gallons of liquid waste are transferred, for three (3) years
 - iv. Maintain records of land application (including maps) of when more than 10 tons of solid or semi-solid waste or more than 6,000 gallons of liquid waste are transferred, for three (3) years
 - v. Allow DEQ right-of-entry for inspection.

Off-Site Generated Waste Recordkeeping:

When a facility covered under this permit generates a treated waste from animal waste and other feedstock, the permittee shall maintain records related to the production of the treated waste. If off-site wastes are added to generate the treated waste, the permittee shall record the following items on site for a period of three years:

- i. The amount of waste brought to the facility; and
- ii. From whom and where the waste originated.

All Treated Waste Recordkeeping: (wastes treated by a digester or similar manure treatment technologies)

For all treated wastes generated by the facility, the permittee shall record the following items on site for a period of three years:

- i. The amount of treated waste generated;
- ii. The nutrient analysis of the treated waste; and
- iii. The final use of the treated waste.

Permittee Training (AFO Owner)

The permitted AFO owner is required to attend a training program at least once every three (3) years. With this regulatory action, DEQ now has oversight of the training programs required for compliance with the regulation. The Central Office AFO Program Coordinator will manage the training programs for the permitted entities including the components of an approvable training. The training topics will be tailored to management activities. Each entity will be required to keep a record of the DEQ approved training for which they attended to demonstrate their compliance with the requirement. Training attendance will be tracked in the new CEDs module.

Part II-Conditions Applicable to All VPA Permits

Listed below are the significant changes made in Part II of the permit. Additional details related to select conditions in this part of the permit can be found in section [IV](#) - Coverage Under the General Permit.

1. Combined Part II and Part III in order to group all conditions applicable to VPA permits into one Part of the permit.

2. Language which was irrelevant to general permits was removed.

Part III-Pollutant Management and Monitoring Requirements for Animal Waste End-Users

If an animal waste end-user is required to obtain a permit, the permitted end-user will be required to comply with Part II and Part III of the general permit. The new language contains specific conditions for animal waste end-users who are required to obtain coverage under a general permit. The conditions included in Part III are for the animal waste end-users and is similar to Part I which is for the owner of the AFO. Requirements include: soils and waste monitoring, a site specific nutrient management plan, storage conditions, animal waste transfer recordkeeping, land application recordkeeping and land application buffer zones.

Permittee Training (Animal Waste End-User)

If an animal waste end-user is required to obtain a permit, the permitted end-user will also be required to attend the training program at least once every three (3) years.

[9VAC25-192-80](#) and [9VAC25-192-90](#) - *Technical Requirements (Regulations) for Animal Waste End-Users*

The requirements for animal waste end-users can be found in sections 80 and 90 of 9VAC25-192. These technical regulations are designed to provide the same protection to water quality from the activities of animal waste end-users as would coverage under the general permit. Furthermore, if compliance with these technical requirements is met by the end-user (as defined in [9VAC25-192-10](#)) then coverage under the general permit would not be necessary. However, if an end-user does not follow the technical requirements, they may be required to obtain coverage under the VPA General Permit for Animal Feeding Operations and Animal Waste Management. See section [VI](#) - Inspection of Facility Covered, regarding determining compliance with the technical requirements.

Transferred animal waste thresholds which trigger certain requirements in the technical regulations:

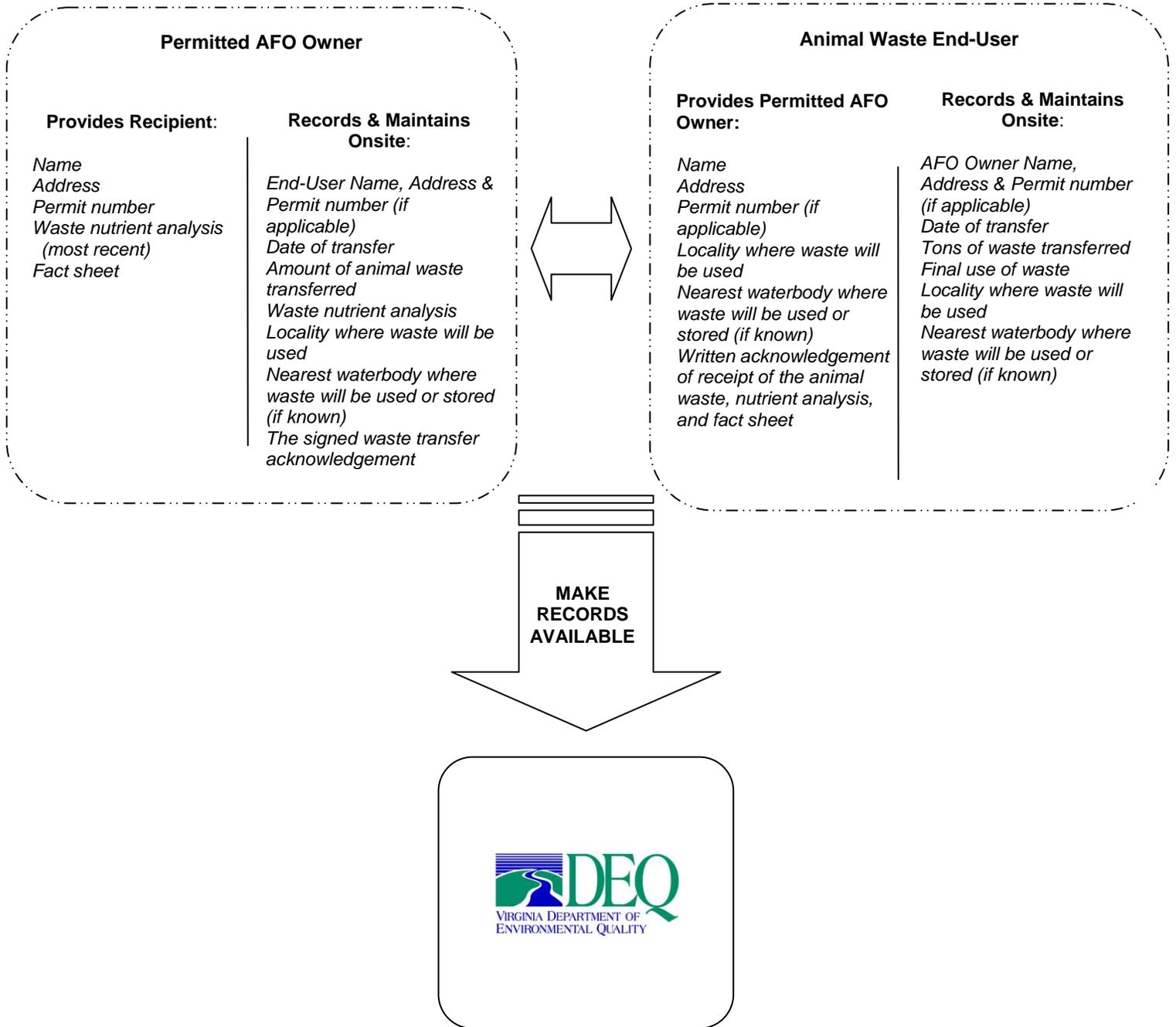
Requirements	Thresholds		
	All	Solid or Semi-Solid > 10 Tons *	Liquid > 6,000 Gals. **
Storage ¹	X		
End-User Waste Transfer Recordkeeping ²		X	X
Land Application Requirements ³		X	X
Land Application Recordkeeping ⁴		X	X
Notes: 1 All storage of transferred animal waste must comply with the technical requirements outlined in 9VAC25-192-90 . 2 Recordkeeping of animal waste transfers must comply with the technical requirements (outlined in 9VAC25-192-80) when more than 10 tons of solid or semi-solid waste or more than 6,000 gallons of liquid waste are transferred. 3 Land application requirements must comply with the technical requirements (outlined in 9VAC25-192-90) when more than 10 tons of solid or semi-solid waste or more than 6,000 gallons of liquid waste are land applied. 4 Land application recordkeeping of animal waste transfers must comply with the technical requirements (outlined in 9VAC25-192-80) when more than 10 tons of solid or semi-solid waste or more than 6,000 gallons of liquid waste are land applied. * solid or semi-solid animal waste contains less than 85% moisture ** liquid animal waste contains 85% percent or more moisture			

The technical requirements for the storage and utilization of transferred animal waste in the absence of coverage under the general permit include:

- A. Storage and land application buffer requirements identical to those of permitted AFO Owners;
- B. Land application timing requirements identical to those of permitted AFO Owners; and
- C. Land application rates that must be established using one of the following methods:
 - i. Phosphorus crop removal application rates can be used when soil test phosphorus levels are below 35 percent saturation.
 - ii. A standard rate of no greater than 80 pounds of plant available phosphorus per acre can be used when
 - (1) the plant available phosphorus supplied by the animal waste is based on a waste nutrient analysis obtained in the last two years;
 - (2) no soil sample analysis has been taken, and
 - (3) nutrients have not been supplied by an organic source to the field within the previous three years.
 This rate can be repeated every three years if no other organic sources are applied.
 - iii. Soil test recommendations can be used when accompanied by analysis results for soil tests that have been obtained from the proposed field or fields in the last three years; the analytical results are from procedures in accordance with [4VAC50-85-140](#) A 2 f; and nutrients from the waste application do not exceed the nitrogen or phosphorus recommendations for the proposed crop or double crops. The recommendations shall be in accordance with [4VAC50-85-140](#) A 2 a.
 - iv. A nutrient management plan developed by a certified nutrient management planner in accordance with [§10.1-104.2](#) of the Code of Virginia.

The flow chart on the next page illustrates the recordkeeping and reporting requirements of the permitted AFO Owner and the animal waste end-user.

Animal Waste Transfer Recordkeeping Requirements Flowchart



III. New Activities Managed Under the General Permit

With these regulatory amendments becoming effective on November 16, 2014, coverage under the general permit may now be obtained by animal waste end-users. Owners of animal feeding operations no matter how many animal units, and end-users qualify for the general permit unless they have been required to obtain an individual Virginia Pollution Discharge Elimination System (VPDES) permit or an individual VPA permit according to [9VAC25-32-260](#) 2.b. Operations with both poultry and livestock where the combined numbers total more than 300 animal units should be considered for coverage under the VPA AFO General Permit if they have liquid waste storage and handling, or a VPA individual permit if they do not store or handle liquid waste.

This regulation and general permit governs the pollutant management of activities at animal feeding operations and animal waste utilized or stored by animal waste end-users. It establishes requirements for proper nutrient management, waste storage, and waste tracking and accounting of animal waste for all entities. The NMP should cover all of the animal waste generated or utilized by the operation.

Digester and Other Manure Treatment Technologies and All Treated Wastes

Effective November 16, 2014, the use of a digester or other manure treatment technology has been added as activities that can be authorized under the regulation and the general permit. Along with the treatment technology, the wastes produced from the technology will be authorized by this regulation and general permit. To allow for these activities, conditions were added to the regulation and general permit including the following:

1. the process will be approved by the department, and
2. the digester or other manure treatment technology must be managed by the facility covered under this permit,
3. all treated wastes must be managed through an approved NMP or transferred to another entity in accordance with the animal waste transfer requirements, and
4. when a facility covered under this permit generates a treated waste from animal waste and other feedstock, the permittee shall maintain records related the production of the treated waste. (see the [Recordkeeping Requirements](#) in section II for the list of items)

Off-Site Generated Waste (also referred to as *other feedstock*)

Effective November 16, 2014, the use of off-site generated waste to feed a digester or other manure treatment technology has been added as activities that can be authorized under the regulation and the general permit. To allow for this activity, conditions were added to the regulation and general permit including the following:

1. the process will be approved by the department,
2. when a facility cover under this permit generates a treated waste from animal waste and other feedstock, the permittee shall maintain records related the use of the off-site generated waste. (see the [Recordkeeping Requirements](#) in section II for the list of items)

Animal Waste Transfers and Animal Waste End-Users

Effective November 16, 2014, the transfer of animal waste as well as the storage and utilization of transferred animal waste have been added as activities that can be authorized under the regulation and the general permit. To allow for this activity, conditions were added to the regulation and general permit. See the [Waste Management and Land Application Requirements](#) in section II for details. Also see the [Recordkeeping Requirements](#) in section II for the list of items which must be recorded.

Additionally, the activities of animal waste end-users can be covered under the general permit. The requirements for land application and storage of transferred animal waste by animal waste end-users mirror those required of the permitted AFO owner.

Coverage under a VPA permit may be required by DEQ if consistent non-compliance by an end-user is documented and efforts in education and compliance assistance have been exhausted. Before requiring an animal waste end-user to obtain coverage under the general permit, Regional Office staff should consult with the Central Office AFO Program Coordinator to ensure statewide consistency within the program. The permitting, compliance and enforcement activities for an end-user will be completed by the Regional Office staff.

Also see section [VI](#) - Inspection of the Facility Covered for details related to compliance with the requirements of the regulation and general permit.

IV. Coverage Under the General Permit

Owners of [animal feeding operations](#), as defined in [9VAC25-192-10](#), no matter how many animal units, and end-users qualify for the general permit unless they have been required to obtain an individual VPDES permit or an individual VPA permit according to [9VAC25-32-260](#) 2.b. Operations with both poultry and livestock where the combined numbers totaling more than 300 animal units should be considered for coverage under the VPA AFO General Permit if liquid waste storage and handling are used for both the poultry and livestock portions of the operation, or an individual VPA permit if they do not store or handle liquid waste.

An AFO means a lot or facility where the following [two] conditions are met:

- 1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; **and***
- 2. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the operation of the lot or facility.*

Two or more animal feeding operations under common ownership are a single animal feeding operation for the purposes of determining the number of animals at an operation, if they adjoin each other, or if they use a common area or system for the disposal of wastes.

In order to be a defined AFO, the operation must meet both of the conditions listed in the definition.

Condition # 1:

- The 45 days of confinement do not have to be 45 consecutive days and the 12 month period can be any consecutive 12 months (i.e., animals are stabled, confined, fed or maintained for 45 days or more in any 365 day period).
- Any duration of confinement during a day is considered one day of the 45 day confinement period (i.e., animals do not need to be confined for 24 hours to be considered confined for one day).
- Dairy cows confined in a parlor during milking are considered confined.

- In general, if manure is collected from a lot, animals are considered confined unless crops, vegetation, forage growth or post-harvest residues are sustained during the normal growing season in the lot.

Condition # 2:

- To meet condition # 2 of this definition, the ENTIRE lot would lack vegetative growth during the growing season
- Incidental vegetative growth or residues for the purposes of this condition is not considered a crop, vegetation, forage growth or post harvest residue. Example: A winter feedlot would be evaluated as an AFO during the time the lot is being used to stable, confine, feed or maintain the livestock. The winter feedlot is an AFO, if the lot meets condition #2 and livestock animals are being stabled, confined, fed or maintained for 45 days or more during the time when the vegetation is not being sustained.

Prohibitions to Obtaining Coverage

As allowable by [9VAC25-192-50](#) A. 1, AFOs that cannot comply with the conditions of the general permit or those that are found to be discharging to State Waters cannot be covered under this general permit. Operations which fall into either of these categories must be covered by a VPA or VPDES individual permit.

Interim VPA General Permit Coverage for Concentrated Animal Feeding Operations (CAFOs)

In order to ensure continued permit coverage for AFOs which may be defined as a CAFO and may be required to obtain a VPDES permit, the operation must be covered under this VPA general permit until such time that a determination is made regarding the appropriate permit or that an individual VPDES CAFO permit can be issued.

Duty to Reregister (Reapply)

The requirements to reapply for permit coverage, found in Part II O. of the general permit, states: *If the permittee wishes to continue to operate under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 30 days prior to the expiration date of this permit.*

If the permittee does not submit a new registration statement then coverage under the general permit will terminate upon the expiration date. Coverage may be administratively continued if the process to reissue coverage has been initiated but not yet completed due to circumstances beyond the permittee's control (example: awaiting DCR approval of the NMP).

Transfer of Permit Coverage

The requirements to transfer permit coverage, found in Part II Q. of the general permit, allow for the transfer of permit coverage automatically so long as the permittee notifies the Department in writing within 30 days of the transfer of title of the facility or property. The notice must include a written agreement between the existing and new permittees containing specific details of the transfer. A change of ownership form can be found in Appendix F. The new permittee should be sent the general permit document and accompanying transmittal letter, like with any new coverage, to document the transfer of the permit coverage. The CEDS permit module must be updated with the new permittee information and dates of transfer.

See section [VII](#) regarding CEDS requirements.

V. Procedures to Grant Coverage under the General Permit

Subsection I of [62.1-44.17:1](#) of the Code of Virginia states that no person shall operate a confined animal feeding operation with 300 or more animal units utilizing a liquid manure collection and storage system after July 1, 2000, without having submitted a registration statement as provided in subsection C or being covered by a VPDES permit or an individual VPA permit.

Subsection C of [62.1-44.17:1](#) of the Code of Virginia requires the owner of the confined animal feeding operation to complete and submit a registration statement as well as submit additional documents in order to obtain coverage under the General Permit.

The term of the permit as well as DEQ procedures have not changed regarding the reissuance of coverage under the general permit.

Administratively Complete

An application is considered administratively complete when the following items are received by the Department:

1. a completed **registration statement** with original signature,
2. a completed and signed **Local Government Ordinance Form (LGOF)**,
3. a current copy of the **NMP**, and
4. the **DCR NMP approval letter**.

The following sections provide details for each of the items listed above.

Registration Statement

The permit applicant (AFO owner or the animal waste end-user) must complete the appropriate registration statement in its entirety including his original signature.

The certification must bear an original signature in ink, photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)

For a partnership or sole proprietorship: by a general partner or proprietor respectively.

By signing the statement, unless waived by meeting the specified requirements (detailed in the next [section](#)), the AFO owner is certifying that he has notified the adjacent landowners of the registration statement as well as certifying that he can comply with the conditions of the general permit.

The registration statements and instructions have been revised to reflect the amendments which become effective November 16, 2014 and can be found in Appendix B.

Adjacent Neighbor Notification

Subsection C 5 of [62.1-44.17:1](#) of the Code of Virginia requires the owner of the confined animal feeding operation to provide, to the Department, certification that he has given notice of the registration statement to all owners or residents of property that adjoins the property on which the proposed operation will be located. The law further specifies that the notice must include:

- (i) the types and maximum number of animals that will be maintained at the facility, and
- (ii) the address and phone number of the appropriate DEQ regional office to which comments relevant to the permit may be submitted.

Staff should advise the applicant that when considering which property owners must be notified, property separated by a public right of way (example: state or county road) or a utilities easement (example: for electric, phone, gas or water) should be considered adjacent. Additionally, staff should consult Table 1-Notification Conditions and Table 2-Notification Conditions in this section to determine how the applicant should be advised about the requirements. Table 1-Notification Conditions

A sample neighbor notification letter can be provided to the applicant along with the registration statement (see the sample neighbor notification letter in Appendix E). The certification on the registration statement includes the adjacent neighbor (property owner) notification requirement; the owner's signature on the registration statement satisfies subsection C 5 of the Code of Virginia. The owner is not required to submit copies of the notification letters.

Conditions that Require Adjacent Neighbor Notification:

The adjacent neighbor notification is required if any of the following conditions are true.

Table 1-Notification Conditions

Condition: The Owner is submitting a new registration statement proposing to:	Requirement: notify adjacent neighbors (property owners) which own property located						Notes: If the adjacent neighbor notification is due to a proposed change in the operation, the notification should include a description of the proposed changes (example: location of new land application sites or animal housing or waste storage structures, size of the proposed expansion, etc.).
	<i>next to existing animal housing</i>	<i>next to proposed animal housing site(s)</i>	<i>next to existing waste storage facilities</i>	<i>next to proposed waste storage site(s)</i>	<i>next to existing land application site(s)</i>	<i>next to proposed land application site(s)</i>	
expand the number of animals to be confined by more than 10%	X		X				The proposed number of animals is greater than the number submitted on the registration statement for previous coverage under the general permit.
construct new animal housing structures as a part of an expansion.		X					This does not include replacement of aged structures or those destroyed by wind, fire, flood or other disasters, unless the replacement structure is to be built in a different location from the original.
construct new waste storage facilities.				X			This does not include replacement or repair of existing failed or damaged structures, unless the replacement structure is to be built in a different location from the original. Example: Construction of a secondary lagoon is considered a new waste storage facility that will require adjacent landowner notification.
add new land application sites.						X	The proposed land application sites have never been included in the NMP for the AFO.
manage new pollutants.	X		X		X		Example: The addition of off-site generated waste that was not included on a previous submitted registration statement.
increase the quantity of pollutants to be managed.			X		X		Example: The addition of transferred animal waste to be managed at the site.

Table 2-Notification Conditions

Condition:	Requirement: notify adjacent neighbors (property owners) which own property located						Notes:
	<i>next to existing animal housing</i>	<i>next to proposed animal housing site(s)</i>	<i>next to existing waste storage facilities</i>	<i>next to proposed waste storage site(s)</i>	<i>next to existing land application site(s)</i>	<i>next to proposed land application site(s)</i>	
There was a lapse of coverage between the expiration or termination date of the previous permit and the effective date of the new VPA AFO GP.	X		X		X		This excludes administrative continuances.
The facility is subject to a current consent order or special order relating to violations under the permit prior to reissuance.	X		X		X		If all of the requirements of all of a historical consent order have been satisfied (the consent order has been closed) then this notification does not apply.

Conditions for Waiver of the Adjacent Neighbor Notification:

Additionally, C. 5. of § [62.1-44.17:1](#). of the Code of Virginia allows for such certification of notice to be waived whenever the registration is for the purpose of renewing coverage under a permit for which no expansion is proposed and the Department has not issued any special or consent order relating to violations under the existing permit.

Comment Period

Subsection D of [62.1-44.17:1](#) of the Code of Virginia states that any person may submit written comments on the proposed operation to the Department within 30 days of the date of the filing of the registration statement. If, on the basis of such written comments or his review, the Director determines that the proposed operation will not be capable of complying with the provisions of this section, the Director shall require the owner to obtain an individual permit for the operation. Any such determination by the Director shall be made in writing and received by the owner not more than 45 days after the filing of the registration statement or, if in the Director's sole discretion additional time is necessary to evaluate comments received from the public, not more than 60 days after the filing of the registration statement.

As required by the law, the Department will accept written comments for a 30 day period beginning on the date which a completed registration statement is received by the Department. If the Department receives written comments related to water quality or permit ineligibility, then staff must determine if the facility is capable of complying with the provisions of the general permit. Regional Office staff should consult with the Central Office AFO Program Coordinator before requiring the applicant to obtain a VPA individual permit to ensure statewide consistency within the program.

Local Government Ordinance Form (LGOF)

Subsection C 3 of [62.1-44.17:1](#) of the Code of Virginia and subsection A 3 of [9VAC25-192-50](#) requires that the owner of any proposed pollutant management activities or those which have not previously been issued a valid VPA or VPDES permit must attach to the registration statement, the completed LGOF. The LGOF is the notification from the governing body of the county, city or town where the operation is located that the operation is consistent with all ordinances adopted pursuant to Chapter 22 ([§ 15.2-2200](#) et seq.) of Title 15.2 of the Code of Virginia.

Additionally, staff should consult Table 1-Notification Conditions Table 3-LGOF Conditions in this section to determine how the applicant should be advised about the requirements. Table 1-Notification Conditions

Conditions that Require Submittal of LGOF:

The LGOF is required if any of the following conditions are true.

Table 3-LGOF Conditions

Condition: The Owner is submitting a new registration statement proposing to:	Requirement: A new completed LGOF must be submitted with the Registration Statement.	Notes:
expand the number of animals to be confined by more than 10%	X	The proposed number of animals is greater than the number submitted on the registration statement for previous coverage under the general permit.
construct new animal housing structures as a part of an expansion.	X	This does not include replacement of aged structures or those destroyed by wind, fire, flood or other disasters, unless the replacement structure is to be built in a different location from the original.
construct new waste storage facilities.	X	This does not include replacement or repair of existing failed or damaged structures, unless the replacement structure is to be built in a different location from the original. Example: Construction of a secondary lagoon is considered a new waste storage facility that will require adjacent landowner notification.
add new land application sites.	X	The proposed land application sites have never been included in the NMP for the AFO.
manage new pollutants.	X	Example: The addition of off-site generated waste that was not included on a previous submitted registration statement.
increase the quantity of pollutants to be managed.	X	Example: The addition of transferred animal waste to be managed at the site.

Conditions for Waiver of Submittal of LGOF:

If the referenced facility has been previously covered by a VPA individual or general permit, or a VPDES Permit and the facility does not propose to expand, the previously completed LGOF on file with DEQ shall satisfy this requirement. In accordance with [9VAC25-192-50](#), for facilities that have never been covered by a VPA AFO GP, VPDES or VPA individual permit, or have never submitted a completed LGOF, a completed LGOF must be submitted with the Registration Statement.

Nutrient Management Plan (NMP)

Subsection C 2 of [62.1-44.17:1](#) of the Code of Virginia and subsection A 4 of [9VAC25-192-50](#) requires that every owner of an AFO seeking coverage under the VPA general permit have a NMP. A copy of the current DCR approved NMP written for the AFO must be attached to the Registration Statement. *However, if a current DCR approved NMP is on file at the DEQ regional office then it is not necessary to attach the NMP.*

DCR NMP Approval Letter

Subsection C 1 of [62.1-44.17:1](#) of the Code of Virginia requires that every owner of an AFO seeking coverage under the VPA general permit submit a copy of the letter of approval of the NMP from the DCR. Subsection A 4 of [9VAC25-192-50](#) further specifies that the letter from DCR must certify the following:

1. approval of the NMP for the AFO, and
2. that the NMP was developed by a certified nutrient management planner in accordance with [§10.1-104.2](#) of the Code of Virginia.

This letter must be attached to the Registration Statement. *However, if a current NMP approval letter which meets the above stated criteria is on file at the DEQ regional office then it is not necessary to attach the NMP approval letter.*

Virginia Department of Health (VDH) Notification

VDH has requested that DEQ provide notice of all AFOs applying for coverage under the VPA AFO GP. This is simply a notification and regional staff is not expected to receive comments back from VDH. A sample notification letter can be found in the Appendix D (the notification should be sent to the appropriate Divisions of VDH via email.) Details related to a particular division can be found below.

Virginia Health Department's Division of Shellfish Sanitation (VDH-DSS)

Note: This notification only pertains to facilities located east of Interstate 95.

Reissuance: The CO AFO Program Coordinator will send a report of the facilities, located east of Interstate 95, which have been entered into CEDS and are classified as an application or active permit record. This report will be generated from the CEDS no sooner than 45 days after the effective date of the general permit.

Issuances: For registration statements received for issuances and proposed expansions of facilities located East of Interstate 95: upon its receipt, staff must send a copy of the registration statement to the Central Office contact of VDH's Division of Shellfish Sanitation. This contact information is pending.

Proposed Expansions of Facilities Covered Under the GP: For registration statements received for proposed expansions of facilities upon its receipt, staff must send a copy of the registration statement to the Central Office contact of VDH's Division of Shellfish Sanitation. This contact information is pending.

Virginia Health Department's Office of Drinking Water (VDH-ODW)

Note: This notification pertains to all facilities.

Reissuance: The CO AFO Program Coordinator will send a report of all the facilities which have been entered into CEDS and are classified as an application or active permit record. This report will be generated from the CEDS no sooner than 45 days after the effective date of the general permit.

Issuances: For registration statements received for issuances and proposed expansions of facilities located East of Interstate 95: upon its receipt, staff must send a copy of the registration statement to the Central Office contact of VDH's Office of Drinking Water. This contact information is pending.

Proposed Expansions of Facilities Covered Under the GP: For registration statements received for proposed expansions of facilities upon its receipt, staff must send a copy of the registration statement to the Central Office contact of VDH's Office of Drinking Water. This contact information is pending.

Totally and Technically Complete

An application is considered totally and technically complete when the required items listed in the [Administratively Complete](#) section are found to be complete with no deficiencies. If deficiencies are found, staff may send the Registration Statement Deficiency Letter to the applicant. The deficiency letter can be found in Appendix D and on the [DEQnet](#).

A site inspection must be performed prior to the issuance of coverage for a new AFO. For reissuances, a site inspection is not required to be performed if an inspection has been conducted within the last two years and no expansions are being proposed. Staff must evaluate the package for deficiencies in order to determine if the application can be considered totally and technically complete. If deficiencies are found with the package, the applicant must be notified of the deficiency. If the package is found to be sufficient, staff must wait for the 30-day comment period to end before the coverage can be granted. Within 45 days of filing the registration statement, staff must process the application package. Only if in the Director's sole discretion additional time can be used to evaluate comments received from the public, staff may take no more than 60 days after the filing of the registration statement to notify the applicant of the determination to grant coverage.

If comments are received during the 30-day comment period, staff must evaluate them to determine if the facility can comply with the conditions of the general permit based on the comments. If no comments are received and upon staff determination that the facility can comply with the conditions of the general permit staff may process the coverage. DEQ staff has 15 days after the end of the comment period to notify the applicant as to whether they will be covered under the general permit. All items shall be tracked in CEDS. See the [CEDS \(Comprehensive Environmental Data System\)](#) in section VII for more details.

Regional staff must send the permittee the following documents:

1. the transmittal letter,
2. the general permit,
3. the Animal Waste Transfer Recordkeeping Forms, and
4. the Animal Waste Fact Sheet and End-User Recordkeeping Forms.

The facility's permit number (registration number) must be added to the transmittal letter and the individual pages of the permit document, but at the very least to the permit cover page. **Please note, no other changes to the general permit document are authorized.** Five (5) copies of the Animal Waste Fact Sheet, along with the end-user recordkeeping forms and five (5) copies of the Animal Waste Transfer - Recipient Form must accompany the permit.

The general permit has been revised to reflect the amendments which becomes effective November 16, 2014 and can be found in Appendix C. The permit transmittal letters have been revised for this reissuance and any new issuances and can be found in Appendix D.

VI. Inspection of Facility Covered

Subdivision 5 a of [§62.1-44.15](#) of the Code of Virginia states that Department personnel performing inspections of confined animal feeding operations shall be certified under the voluntary nutrient management training and certification program established in [§ 10.1-104.2](#).

Each AFO owner or Animal Waste End-User must allow DEQ staff access to the facility for the inspection of the livestock housing, waste storage, land application sites (if applicable) and records related to the animal waste transfers, off-site generated waste and land application. An Animal Waste Transfer Recordkeeping Form has been created and can be found in Appendix F. An Animal Waste Fact Sheet has been created and can be found on [DEQnet](#) and through the hyperlink found in Appendix G.

A. Permitted AFO Owner:

The inspection of the facility and records does not change significantly with the amended regulation. The inspector will document the AFO owner's compliance with the new recordkeeping items when applicable for the waste transfer and off-site generated waste.

B. Animal Waste End-User covered under Technical Regulation Requirements:

The amendments include the option for DEQ to inspect the storage and land application sites as well as recordkeeping related to animal waste transfers and land application. During the initial implementation of these amendments, the AFO Program Coordinator should be consulted when determining compliance with the technical requirements. Compliance with the technical requirements as provided in the regulation will be determined primarily through on-site inspections by Regional Office staff. The scope of an inspection can include any or all of the following: the storage sites, land application sites, waste transfer records and land application records. There are three foreseeable situations which may indicate a need for an inspection of either the unpermitted animal waste end-user:

1. a citizen complaint which would require an on-site inspection to determine if the complaint is founded and the scope of the complaint is regulated by DEQ;
2. a DEQ review of the permitted AFO owner records which requires further evaluation; or
3. when DEQ staff observe (without a citizen complaint) conditions which appear to be inconsistent with the technical requirements (regulations).

If a complaint is not founded, no further evaluation is necessary. If the facility also is an AFO, staff should encourage the facility owner to allow for staff to complete an on-site assessment of the facility through the Small AFO Strategy. If the subject of the complaint is not within the scope of the regulation nor the Small AFO Strategy or the facility owner does not agree to having an on-site assessment performed then staff should

evaluate the option of filing a formal complaint with the Virginia Department of Agriculture and Consumer Services (VDACS) under the Agriculture Stewardship Act (ASA) as set forth in the [MOA](#) between VDACS and DEQ.

For example:

A complaint is made regarding the improper land application of animal waste. The citizen states that the waste was applied to snow covered ground and they believe that the application is not in compliance with the regulation. Upon further investigation, DEQ staff determines that the person who is in control of the land application site is also the AFO owner. This person is not required to have a general permit since they only have 100 dairy cattle. Since the waste is not transferred, this person is not an end-user and is not subject to the technical requirements (regulations). This, however, is an opportunity to discuss the Small AFO Strategy with the owner and see if they will allow DEQ or VDACS to complete an on-site assessment.

For example:

DEQ staff observes animal waste stored outside, uncovered near a stream. Upon further investigation, DEQ staff, during a site visit, determines that the waste is within 50 feet of the stream. The technical regulation states: *For animal waste that is not stored under roof, the storage site must be at least 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs.* It also states: *Animal waste shall be stored in a manner that prevents contact with surface water and ground water.* During the site visit, DEQ staff should verify whether 1) the person who is in control of the storage site is an animal waste end-user and is subject to the technical regulations and if so 2) is in compliance with the other requirements of the technical regulations. If the waste is transferred, the person is an end-user and is subject to the technical requirements (regulations). If the person is not an end-user, then the Regional Office staff will work with the VDACS - ASA staff and Central Office AFO Program Coordinator to determine the next steps to correct the situation.

As with all new regulations, DEQ will allow an adjustment period for the newly regulated entities. During this adjustment period, the agency, in most cases, will seek compliance from through education and assistance and not enforcement. Staff should try to work with the entity to obtain compliance as quickly as possible. If compliance is not obtained in a reasonable timeframe, the next step should be to send a letter regarding the non-compliance. A direct discharge should be referred to enforcement upon consultation with the Central Office AFO Program Coordinator.

C. Permitted Animal Waste End-User:

It is unlikely that an animal waste end-user will voluntarily request coverage under the general permit. Therefore, end-users covered under the general permit will have been required to obtain coverage due to a history of non-compliance. The inspection of the facility and records will be much like the permitted AFO owner and be completed primarily by Regional Office staff. The permittee will be required to keep a record of the DEQ approved training which they attended.

VII. Record Keeping and Audit

CEDS (Comprehensive Environmental Data System)

Please note: the new CEDS module is being developed to allow the permitting, compliance and tracking of all AFO/CAFO facilities under the following permit types: VPA GP-AFO, VPA GP-PWM, VPA IP-AFO and the VPDES IP-CAFO.

Tracking of coverage under this general permit will be in CEDS. Until such time as the new module is completed, there are two modules in CEDS devoted to data related to permitting and inspecting these facilities. It is important that CEDS is kept up-to-date with relevant information pertaining to the general permit, including but not limited to, facilities registered under the permit, permittees and contact information. Database information must be updated within 10 days of DEQ being notified of the change. All information is subject to audit.

The permit data is entered and tracked in the new CEDS Permit Module to be released in prior to the reissuance of the general permits. The inspection data is entered and tracked in the Inspection Module until such time that the inspections and compliance components of CEDS are integrated with the new CEDS Permit Module. Staff who are expected to enter data in the permit and/or inspection modules must complete a required training in order to be granted the appropriate security roles for write access. Visit the [Water Division DEQnet CEDS](#) webpage to find more information regarding CEDS training and security roles.

Information regarding the issuance and reissuance of permit coverage can be found below. . The CEDS Animal Waste Permit Program (for AFO/CAFO) User Manual contains the details regarding permit data entry for the VPA GP-AFOs.

Permit Issuance

The data entry to reflect the issuance of general permit coverage will be completed in the new permit module. Once the permit moves from application to active, (i.e., the date permit signed event date is entered) the transmittal letter, permit and other documents must be sent to the permittee.

Permit Reissuance

Permit numbers will not change from the previous permit cycle. The data entry to reflect the reissuance of general permit coverage will be completed in the new permit module. Once the permit moves from application to active, (i.e., the date permit signed event date is entered) the transmittal letter, permit and other documents must be sent to the permittee.

Permit Change

A permit change must be initiated after a new or revised Registration Statement is received for one or more of the following reasons:

1. an ownership change,
2. a facility change, or
3. an operational change.

Changes to the facility include those to the site or animal housing units (ex: the addition of animal housing units or waste storage). Changes to the operation include an increase or decrease in the number of animals or in the operation and maintenance of the facility.

Initiating a permit change will not change the facility's permit number. Once the permit moves

from application to active, (i.e., the date permit signed event date is entered) a transmittal letter documenting the changes, permit and other documents must be sent to the permittee.

Inspection

Until such time that the inspections and compliance components of CEDS are integrated with the new CEDS Permit Module, inspections of the facility must be entered into the CEDS Inspections Module. There is an "AFO/CAFO" tab with two sub tabs, one is named "AFO/CAFO Inspections" used for the data specific to the inspection, and the other is named "AFO/CAFO Facility Details" used for data specific to the facility. All animal waste facility inspections must be entered into the "AFO/CAFO Inspections" sub tab. With the release of the new permit module prior to the reissuance of coverage under the general permit, the data that was being entered into the "AFO/CAFO Facility Details" sub tab for livestock operations will be entered into the Farm Site Information Portion of the permit module and no longer entered in the "AFO/CAFO Facility Details" sub tab. From now on any updates or additions to this information will be entered into the new permit module only. Prior to its release, all data which was entered into the Inspections Module in the "AFO/CAFO Facility Details" sub tab for livestock operations was migrated into the new permit module by OIS staff. Please see the AFO/CAFO section of the CEDS Inspections User Manual for more information regarding inspection data entry.

ECM (Enterprise Content Management)

The file of record must be maintained in the DEQ ECM system in accordance with the written procedures outlined in the [ECM-Filenet User Manual](#) related to VPA permits. Electronic files that must be retained and are subject to audit include, but are not limited to, the following:

1. Permitted AFO Owner: (Permit, Inspections and Compliance documents to be completed and managed by the Regional Office)
 - A. A copy of the Registration Statement, and all information required to be included with the registration package:
 - i. LGOF;
 - ii. NMP; and
 - iii. DCR NMP approval letter.
 - B. A copy of the permit transmittal letter;
 - C. A copy of the front page of the general permit (paperclip to the permit transmittal letter);
 - D. Correspondence documents;
 - E. Copies of all inspection reports related to the facility; Copies of all animal waste transfer records obtained from the permittee;
 - F. Copies of all documentation, obtained from the permittee, related to the management of off-site generated waste to include the specific records required by the permit;
2. Permitted End-User: (Permit, Inspections and Compliance documents to be completed and managed by the Regional Office)

- A. A copy of the Registration Statement, and all information required to be included with the registration package:
 - i. LGOF;
 - ii. NMP; and
 - iii. DCR NMP approval letter.
- B. A copy of the permit transmittal letter;
- C. A copy of the front page of the general permit (paperclipped to the permit transmittal letter);
- D. Permit correspondence documents;

Animal Waste Transfer Record Spreadsheet/Database

Animal waste transfer information is critical in measuring Virginia's progress in the implementation of watershed goals for various Total Maximum Daily Loads (TMDLs). Until the CEDS module or another system is developed, the Regional Office staff must submit to the Central Office AFO Program Coordinator the information that is documented during the inspection or otherwise obtained from the AFO owner regarding the animal waste transfers. This information must be submitted in electronic format at least monthly. The AFO Program Coordinator maintains the statewide data in a spreadsheet/database at the DEQ Central Office.

VIII. Appendices

- A. [General Permit Regulation](#)
- B. Registration Statements and Instructions
 - i. For Owners of Animal Feeding Operations ([DEQnet hyperlink](#))
 - ii. For Animal Waste End-Users ([DEQnet hyperlink](#))
- C. [General Permit Document](#)
- D. [Transmittal Letters](#)
 - i. Registration Statement Transmittal Letter (For all applicants)
 - ii. Issuance (new AFO owners)
 - iii. Reissuance (Renewal for existing VPA AFO GP permittees)
 - iv. Termination of Coverage under the General Permit
 - v. Notification to VDH-DSS
 - vi. Notification to VDH-ODWS
 - vii. Registration Statement Deficiency Letter
- E. [Other Permit Forms](#)
 - i. Local Government Ordinance Form (LGOF)
 - ii. Change of Ownership Agreement Form
 - iii. Termination of Coverage Form
 - iv. Sample Neighbor Notification Letter
- F. Animal Waste Transfer Recordkeeping Form (for Permittee)
 - i. [Animal Waste Transfer - Recipient Form](#)
- G. [Animal Waste End-User Fact Sheet and Recordkeeping Forms \(for End-User\)](#)
 - i. Fact Sheet ([DEQnet hyperlink](#))
 - ii. End-User Recordkeeping Forms

APPENDIX A
VIRGINIA POLLUTION ABATEMENT REGULATION AND GENERAL PERMIT
FOR ANIMAL FEEDING OPERATIONS AND ANIMAL WASTE MANAGEMENT

STATE WATER CONTROL BOARD
Amend and Reissue AFO General Permit

CHAPTER 192
VIRGINIA POLLUTION ABATEMENT (VPA) REGULATION AND GENERAL PERMIT FOR
ANIMAL FEEDING OPERATIONS AND ANIMAL WASTE MANAGEMENT

9VAC25-192-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the Permit Regulation (9VAC25-32) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Agricultural storm water discharge" means a precipitation-related discharge of manure, litter, or process wastewater that has been applied on land areas under the control of an animal feeding operation or under the control of an animal waste end-user in accordance with a nutrient management plan approved by the Virginia Department of Conservation and Recreation and in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater.

"Animal feeding operation" means a lot or facility where the following conditions are met:

1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
2. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the operation of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation for the purposes of determining the number of animals at an operation, if they adjoin each other, or if they use a common area or system for the disposal of wastes.

"Animal waste" means liquid, semi-solid, and solid animal manure and process wastewater, compost, or sludges associated with animal feeding operations including the final treated wastes generated by a digester or other manure treatment technologies.

"Animal waste end-user" or "end-user" means any recipient of transferred animal waste who stores or who utilizes the waste as fertilizer, fuel, feedstock, livestock feed, or other beneficial use for an operation under his control.

"Animal waste fact sheet" means the document that details the requirements regarding utilization, storage, and management of animal waste by end-users. The fact sheet is approved by the department.

"Beneficial use" means a use that is of benefit as a substitute for natural or commercial products and does not contribute to adverse effects on health or environment.

"Confined animal feeding operation," for the purposes of this regulation, has the same meaning as an "animal feeding operation."

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality or his designee.

"Nutrient management plan" or "NMP" means a plan developed or approved by the Department of Conservation and Recreation that requires proper storage, treatment, and management of animal waste and limits accumulation of excess nutrients in soils and leaching

or discharge of nutrients into state waters; except that for an animal waste end-user who is not covered under the general permit, the requirements of 9VAC25-192-90 constitute the NMP.

"Organic source" means any nutrient source including, but not limited to, manures, biosolids, compost, and waste or sludges from animals, humans, or industrial processes, but for the purposes of this regulation it excludes waste from wildlife.

"Waste nutrient analysis rate" means a land application rate for animal waste approved by the board as specified in this regulation.

"Waste storage facility" means a waste holding pond or tank used to store manure prior to land application, or a lagoon or treatment facility used to digest or reduce the solids or nutrients, or a structure used to store manure or waste.

"Vegetated buffer" means a permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

"300 animal units" means 300,000 pounds of live animal weight, or the following numbers and types of animals:

- a. 300 slaughter and feeder cattle;
- b. 200 mature dairy cattle (whether milked or dry cows);
- c. 750 swine each weighing over 25 kilograms (approximately 55 pounds);
- d. 150 horses;
- e. 3,000 sheep or lambs;
- f. 16,500 turkeys;
- g. 30,000 laying hens or broilers.

9VAC25-192-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs the pollutant management activities at animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system not covered by a Virginia Pollutant Discharge Elimination System (VPDES) permit and animal waste utilized or stored by animal waste end-users. These animal feeding operations may operate and maintain treatment works for waste storage, treatment, or recycling and may perform land application of manure, wastewater, compost, or sludges.

B. The Director of the Department of Environmental Quality, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on November 16, 2014. This general permit will expire 10 years from the effective date.

9VAC25-192-25. Duty to comply.

A. Any person who manages or proposes to manage pollutants regulated by 9VAC25-192 shall comply with the applicable requirements of this chapter.

B. In order to manage pollutants from an animal feeding operation, the owner shall be required to obtain coverage under the Virginia Pollution Abatement (VPA) general permit or an individual VPA permit provided that the owner has not been required to obtain a Virginia Pollutant Discharge Elimination System (VPDES) permit. The owner shall comply with the requirements of this chapter and the permit.

C. An animal waste end-user shall comply with the technical requirements outlined in 9VAC25-192-80 and 9VAC25-192-90.

9VAC25-192-50. Authorization to manage pollutants.

A. Owner of an animal feeding operation. Any owner governed by this general permit is hereby authorized to manage pollutants at animal feeding operations provided that the owner files the registration statement of 9VAC25-192-60, complies with the requirements of 9VAC25-192-70, and provided that:

1. The owner has not been required to obtain a VPDES permit or an individual VPA permit according to subdivision 2 of 9VAC25-32-260;
2. The operation of the animal feeding operation shall not contravene the Water Quality Standards, as amended and adopted by the board, or any provision of the State Water Control Law. There shall be no point source discharge of wastewater to surface waters of the state except in the case of a storm event greater than the 25-year, 24-hour storm. Agricultural storm water discharges are permitted. Domestic sewage shall not be managed under this general permit. Industrial waste shall not be managed under this general permit, except for wastes that have been approved by the department and are managed in accordance with 9VAC25-192-70;
3. The owner of any proposed pollutant management activities or those which have not previously been issued a valid Virginia Pollution Abatement (VPA) permit or Virginia Pollutant Discharge Elimination System (VPDES) permit must attach to the registration statement, the Local Government Ordinance Form (a notification from the governing body of the county, city or town where the operation is located that the operation is consistent with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia).
4. The owner shall obtain Department of Conservation and Recreation approval of a nutrient management plan for the animal feeding operation prior to the submittal of the registration statement. The owner shall attach to the registration statement a copy of the approved nutrient management plan and a copy of the letter from the Department of Conservation and Recreation certifying approval of the nutrient management plan that was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia. The owner shall implement the approved nutrient management plan.
5. a. The owner shall give notice of the registration statement to all owners or residents of property that adjoins the property on which the animal feeding operation will be located. Such notice shall include (i) the types and maximum number of animals which will be maintained at the facility and (ii) the address and phone number of the appropriate department regional office to which comments relevant to the registration statement may be submitted. This notice requirement is waived whenever registration is for the purpose of renewing coverage under the permit and no expansion is proposed and the department has not issued any special or consent order relating to violations under the existing permit.
 - b. Any person may submit written comments on the proposed operation to the department within 30 days of the date of the filing of the registration statement. If, on the basis of such written comments or his review, the director determines that the proposed operation will not be capable of complying with the provisions of the general permit, the director shall require the owner to obtain an individual permit for the operation. Any such determination by the director shall be made in writing and mailed to the owner not more than 45 days after the filing of the registration statement or, if in the director's sole discretion additional time is necessary to

evaluate comments received from the public, not more than 60 days after the filing of the registration statement.

6. As required by § 62.1-44.17:1 F of the Code of Virginia, each owner of a facility covered by this general permit shall have completed the training program offered or approved by the department in the two years prior to submitting the registration statement for general permit coverage, or shall complete such training within one year after the registration statement has been submitted for general permit coverage. All permitted owners shall complete the training program at least once every three years.

B. Animal waste end-user. An animal waste end-user shall comply with the requirements outlined in 9VAC25-192-80 and 9VAC25-192-90.

1. When an animal waste end-user does not comply with the requirements of 9VAC25-192-80 and 9VAC25-192-90, the department may choose to do any or all of the following:

- a. Initiate enforcement action based upon the violation of the regulation;
- b. Require the animal waste end-user to register for coverage under the general permit;
- c. Require the animal waste end-user to apply for the VPA individual permit; or
- d. Take other actions set forth in the VPA Permit Regulation (9VAC25-32).

2. An animal waste end-user governed by this general permit is hereby authorized to manage pollutants relating to the utilization and storage of animal waste provided that the animal waste end-user files the registration statement of 9VAC25-192-60, complies with the requirements of 9VAC25-192-70, and:

- a. The animal waste end-user has not been required to obtain a VPA individual permit according to subdivision 2 of 9VAC25-32-260;
- b. The activities of the animal waste end-user shall not contravene the Water Quality Standards, as amended and adopted by the board, or any provision of the State Water Control Law (§ 62.1-44 et seq. of the Code of Virginia). There shall be no point source discharge of wastewater to surface waters of the state except in the case of a storm event greater than the 25-year, 24-hour storm. Agricultural storm water discharges are permitted. Domestic sewage shall not be managed under this general permit. Industrial waste shall not be managed under this general permit, except for wastes that have been approved by the department and are managed in accordance with 9VAC25-192-70;
- c. The animal waste end-user shall obtain Department of Conservation and Recreation approval of a nutrient management plan for land application sites where animal waste will be utilized or stored and managed prior to the submittal of the registration statement. The animal waste end-user shall attach to the registration statement a copy of the approved nutrient management plan and a copy of the letter from the Department of Conservation and Recreation certifying approval of the nutrient management plan that was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia. The animal waste end-user shall implement the approved nutrient management plan; and
- d. As required by § 62.1-44.17:1 F of the Code of Virginia, each permitted animal waste end-user shall complete a training program offered or approved by the department within one year of filing the registration statement for general permit coverage. All permitted animal waste end-users shall complete a training program at least once every three years.

C. Continuation of permit coverage.

1. Any owner that was authorized to manage pollutants under the general permit issued in 2004 and that submits a complete registration statement on or before November 15, 2014, is authorized to continue to manage pollutants under the terms of the 2004 general permit until such time as the board either:

- a. Issues coverage to the owner under this general permit; or
- b. Notifies the owner that coverage under this permit is denied.

2. When the permittee that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the board may choose to do any or all of the following:

- a. Initiate enforcement action based upon the expiring or expired general permit;
- b. Issue a notice of intent to deny coverage under the reissued general permit. If the general permit coverage is denied, the owner would then be required to cease the activities authorized by the expiring or expired general permit or be subject to enforcement action for operating without a permit;
- c. Issue an individual permit with appropriate conditions; or
- d. Take other actions set forth in the VPA Permit Regulation (9VAC25-32).

D. Receipt of this general permit does not relieve any permittee of the responsibility to comply with any other applicable federal, state or local statute, ordinance, or regulation.

9VAC25-192-60. Registration statement.

A. The owner of an animal feeding operation. In order to be covered under the general permit, owner shall file a complete VPA General Permit Registration Statement for the management of pollutants at animal feeding operations in accordance with this chapter. The registration statement shall be deemed complete for registration under the VPA General Permit if it contains the following information:

1. The animal feeding operation owner's name, mailing address, email address (if available), and telephone number;
2. The name, mailing address, email address (if available), and telephone number of the operator or contact person other than the owner, if applicable;
3. The farm name (if applicable) and location of the animal feeding operation;
4. The best time of day and day of the week to contact the operator or the contact person;
5. If the facility has an existing VPA or VPDES permit number, the permit number;
6. The type or types of animals (dairy cattle, slaughter and feeder cattle, swine, other) and the maximum number and average weight of the type or types of animals to be maintained at the animal feeding operation;
7. Indicate the types of wastes that will be managed at the facility and how much of each type of waste will be managed;
8. If waste will be transferred off-site, indicate the type of waste and how much will be transferred;
9. The owner of any proposed pollutant management activities or those which have not previously been issued a valid VPA permit or VPDES permit must attach to the registration statement, the Local Government Ordinance Form (the notification from the governing body of the county, city or town where the operation is located that the operation is consistent with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia);

10. A copy of the nutrient management plan approved by the Department of Conservation and Recreation;

11. A copy of the Department of Conservation and Recreation nutrient management plan approval letter that also certifies that the plan was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia; and

12. The following certification: "I certify that notice of the registration statement has been given to all owners or residents of property that adjoins the property on which the animal feeding operation will be located. This notice included the types and numbers of animals which will be maintained at the facility and the address and phone number of the appropriate Department of Environmental Quality regional office to which comments relevant to the permit may be submitted. (The preceding certification is waived if the registration is for renewing coverage under the general permit and no expansion of the operation is proposed and the department has not issued any special or consent order relating to violations under the existing permit.) I certify under penalty of law that all the requirements of the board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

B. The animal waste end-user. In order to be covered under the general permit, the animal waste end-user shall file a complete VPA General Permit Registration Statement in accordance with this chapter. The registration statement shall be deemed complete for registration under the VPA General Permit if it contains the following information:

1. The animal waste end-user's name, mailing address, email address (if available), and telephone number;

2. The name (if applicable) and location of the facility where the animal waste will be utilized, stored, or managed;

3. The best time of day and day of the week to contact the animal waste end-user;

4. If the facility has an existing VPA or VPDES permit number, the permit number;

5. If confined animals are located at the facility, indicate the type or types of animals (dairy cattle, slaughter and feeder cattle, swine, other) and the maximum number and average weight of the type or types of animals;

6. Indicate the types of wastes that will be managed at the facility and how much of each type of waste will be managed;

7. If waste will be transferred off-site, indicate the type of waste and how much will be transferred;

8. A copy of the nutrient management plan approved by the Department of Conservation and Recreation;

9. A copy of the Department of Conservation and Recreation nutrient management plan approval letter that also certifies that the plan was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia; and

10. The following certification: "I certify under penalty of law that all the requirements of the board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the

information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

C. The registration statement shall be signed in accordance with Part II F of 9VAC25-32-70.

9VAC25-192-70. Contents of the general permit.

Any owner or animal waste end-user whose registration statement is accepted by the board will receive the following general permit and shall comply with the requirements therein and be subject to the VPA permit regulation, 9VAC25-32.

General Permit No.: VPG1
Effective Date: November 16, 2014
Expiration Date: November 15, 2024

GENERAL PERMIT FOR POLLUTANT MANAGEMENT ACTIVITIES FOR ANIMAL FEEDING OPERATIONS AND ANIMAL WASTE MANAGEMENT

AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE VIRGINIA POLLUTION ABATEMENT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the State Water Control Law and State Water Control Board regulations adopted pursuant thereto, owners of animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system, and animal waste end-users are authorized to manage pollutants within the boundaries of the Commonwealth of Virginia, except where board regulations prohibit such activities.

The authorized pollutant management activities shall be in accordance with the registration statement, supporting documents submitted to the Department of Environmental Quality, this cover page, Part I-Pollutant Management and Monitoring Requirements for Animal Feeding Operations, Part II-Conditions Applicable to all VPA Permits, and Part III-Pollutant Management and Monitoring Requirements for Animal Waste End-Users, as set forth herein.

Part I

Pollutant Management and Monitoring Requirements for Animal Feeding Operations

A. Pollutant management and monitoring requirements.

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location or locations identified in the registration statement and the facility's approved nutrient management plan.
2. At earthen liquid waste storage facilities constructed after December 1, 1998, to an elevation below the seasonal high water table or within one foot thereof, groundwater monitoring wells shall be installed. A minimum of one up gradient and one down gradient well shall be installed at each earthen waste storage facility that requires groundwater monitoring. Existing wells may be utilized to meet this requirement if properly located and constructed.
3. All facilities previously covered under a VPA permit that required groundwater monitoring shall continue monitoring consistent with the requirements listed below regardless of where they are located relative to the seasonal high water table.
4. At facilities where groundwater monitoring is required, the following conditions apply:
 - a. One data set shall be collected from each well prior to any waste being placed in the storage facility.

- b. The static water level shall be measured prior to bailing well water for sampling.
- c. At least three well volumes of groundwater shall be withdrawn immediately prior to sampling each monitoring well.

5. In accordance with subdivisions 2 and 3 of this subsection, the groundwater shall be monitored by the permittee at the monitoring wells as specified below. Additional groundwater monitoring may be required in the facility's approved nutrient management plan.

GROUNDWATER MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Static Water Level	NL	Ft	1/3 years	Measured
Ammonia Nitrogen	NL	mg/L	1/3 years	Grab
Nitrate Nitrogen	NL	mg/L	1/3 years	Grab
pH	NL	SU	1/3 years	Grab
Conductivity	NL	umhos/cm	1/3 years	Grab

NL = No limit, this is a monitoring requirement only.

6. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the facility's approved nutrient management plan.

SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
pH	NL	SU	1/3 years	Composite
Phosphorus	NL	ppm or lbs/ac	1/3 years	Composite
Potash	NL	ppm or lbs/ac	1/3 years	Composite
Calcium	NL	ppm or lbs/ac	1/3 years	Composite
Magnesium	NL	ppm or lbs/ac	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

SU = Standard Units

7. Soil monitoring shall be conducted at a depth of between 0-6 inches, unless otherwise specified in the facility's approved nutrient management plan.

8. Waste shall be monitored as specified below. Additional waste monitoring may be required in the facility's approved nutrient management plan.

WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Total Kjeldahl Nitrogen	NL	*	1/year	Composite
Ammonia Nitrogen	NL	*	1/year	Composite
Total Phosphorus	NL	*	1/year	Composite

Total Potassium	NL	*	1/year	Composite
Calcium	NL	*	1/year	Composite
Magnesium	NL	*	1/year	Composite
Moisture Content	NL	%	1/year	Composite

NL = No limit, this is a monitoring requirement only.

*Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.

9. Analysis of soil and waste shall be according to methods specified in the facility's approved nutrient management plan.

10. All monitoring data collected as required by this section and any additional monitoring shall be maintained on site for a period of five years and shall be made available to department personnel upon request.

B. Other requirements or special conditions.

1. Any liquid manure collection and storage facility shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is frozen or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

2. Waste storage facilities constructed after December 1, 1998, shall not be located on a 100-year floodplain.

3. Earthen waste storage facilities constructed after December 1, 1998, shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least 20 mils thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. A Virginia licensed professional engineer or an employee of the Natural Resources Conservation Service of the United States Department of Agriculture with appropriate engineering approval authority shall certify that the siting, design and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.

4. At earthen waste storage facilities constructed below the seasonal high water table, the top surface of the waste must be maintained at a level of at least two feet above the water table.

5. All liquid waste storage or treatment facilities shall maintain at least one foot of freeboard at all times, up to and including a 25-year, 24-hour storm.

6. For new waste storage or treatment facilities constructed after November 16, 2014, the facilities shall be constructed, operated, and maintained in accordance with the applicable practice standard adopted by the Natural Resources Conservation Service of the U.S. Department of Agriculture and approved by the department. A Virginia licensed professional engineer or an employee of the Natural Resources Conservation Service of the U.S. Department of Agriculture with appropriate engineering approval authority shall certify that the siting, design, and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.

7. The permittee shall notify the department's regional office at least 14 days prior to (i) animals being initially placed in the confined facility or (ii) utilization of any new waste storage or treatment facilities.

8. Semi-solid and solid waste shall be stored in a manner that prevents contact with surface water and groundwater. Waste that is stockpiled outside for more than 14 days shall be kept in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:

a. Waste shall be covered to protect it from precipitation and wind;

b. Storm water shall not run onto or under the stored waste;

c. A minimum of two feet separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored waste. All waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot separation between the seasonal high water table and the impermeable barrier. "Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers shall be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum permeability rating of 0.0014 inches per hour (1×10^{-6} centimeters per second); and

d. For waste that is not stored in a waste storage facility or under roof, the storage site must be at least 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs.

9. All equipment needed for the proper operation of the permitted facilities shall be maintained in good working order. The manufacturer's operating and maintenance manuals shall be retained for references to allow for timely maintenance and prompt repair of equipment when appropriate. The permittee shall periodically inspect for leaks on equipment used for land application of waste.

10. When wastes are treated by a digester or other manure treatment technologies, the waste treatment process shall be approved by the department and shall be managed by a facility covered under this permit and in accordance with the following conditions:

a. All treated wastes generated by a digester or other manure treatment technologies must be managed through an approved nutrient management plan or transferred to another entity in accordance with animal waste transfer requirements in Part 1 B 15 and 16.

b. When a facility covered under this permit generates a treated waste from animal waste and other feedstock, the permittee shall maintain records related to the production of the treated waste.

(1) If off-site wastes are added to generate the treated waste, the permittee shall record the following items:

(a) The amount of waste brought to the facility; and

(b) From whom and where the waste originated.

(2) For all treated wastes generated by the facility, the permittee shall record the following items:

(a) The amount of treated waste generated;

(b) The nutrient analysis of the treated waste; and

(c) The final use of the treated waste.

(3) Permittees shall maintain the records required by Part I B 10 b (1) and (2) on site for a period of three years. All records shall be made available to department personnel upon request.

11. Animal waste generated by this facility shall not be applied to fields owned by or under the operational control of either the permittee or a legal entity in which the permittee has an ownership interest unless the fields are included in the facility's approved nutrient management plan.

12. The permittee shall implement a nutrient management plan (NMP) developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia and approved by the Department of Conservation and Recreation and maintain the plan on site. The NMP shall address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus loss to ground and surface waters. The terms of the NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:

- a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied;
- b. Site evaluation and assessment of soil types and potential productivities;
- c. Nutrient management sampling including soil and waste monitoring;
- d. Storage and land area requirements;
- e. Calculation of waste application rates; and
- f. Waste application schedules.

13. Waste shall not be land applied within buffer zones. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:

- a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);
- b. Distance from water supply wells or springs: 100 feet;
- c. Distance from surface water courses: 100 feet (without a permanent vegetated buffer) or 35 feet (if a permanent vegetated buffer exists). Other site-specific conservation practices may be approved by the department that will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer or 35-foot wide vegetated buffer;
- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

14. The following land application records shall be maintained:

- a. The identification of the land application field sites where the waste is utilized or stored;
- b. The application rate;
- c. The application dates; and
- d. What crops have been planted.

These records shall be maintained on site for a period of five years after the date the application is made and shall be made available to department personnel upon request.

15. Animal waste generated by this facility may be transferred from the permittee to another person if one or more of the following conditions are met:

a. Animal waste generated by this facility may be transferred off-site for land application or another acceptable use approved by the department, if:

(1) The sites where the animal waste will be utilized are included in this permitted facility's approved nutrient management plan; or

(2) The sites where the animal waste will be utilized are included in another permitted facility's approved nutrient management plan.

b. Animal waste generated by this facility may be transferred off-site without identifying in the permittee's approved nutrient management plan the fields where such waste will be utilized, if one of the following conditions are met:

(1) The animal waste is registered with the Virginia Department of Agriculture and Consumer Services in accordance with regulations adopted pursuant to subdivision A 2 of § 3.2-3607 of the Code of Virginia; or

(2) When the permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall maintain records in accordance with Part I B 16.

16. Animal waste may be transferred from a permittee to another person without identifying the fields where such waste will be utilized in the permittee's approved nutrient management plan if the following conditions are met:

a. When a permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall provide that person with:

(1) Permittee's name, address, and permit number;

(2) A copy of the most recent nutrient analysis of the animal waste; and

(3) An animal waste fact sheet.

b. When a permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall keep a record of the following:

(1) The recipient name and address;

(2) The amount of animal waste received by the person;

(3) The date of the transaction;

(4) The nutrient analysis of the animal waste;

(5) The locality in which the recipient intends to utilize the animal waste (i.e., nearest town or city and zip code);

(6) The name of the stream or waterbody, if known, to the recipient that is nearest to the animal waste utilization or storage site; and

(7) The signed waste transfer records form acknowledging the receipt of the following:

- (a) The animal waste;
- (b) The nutrient analysis of the animal waste; and
- (c) An animal waste fact sheet.

c. Permittees shall maintain the records required by Part I B 16 a and b for at least three years after the date of the transaction and shall make them available to department personnel upon request.

17. When the waste storage or treatment facility is no longer needed, the permittee shall close it in a manner that (i) minimizes the need for further maintenance and (ii) controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the groundwater, surface water, or the atmosphere. At closure, the permittee shall remove all waste residue from the animal waste storage or treatment facility. Removed waste materials shall be utilized according to the approved NMP.

18. As required by § 62.1-44.17:1 F of the Code of Virginia, each permittee covered under this general permit shall have completed the training program offered or approved by the department in the two years prior to submitting the registration statement for general permit coverage, or shall complete such training within one year after the registration statement has been submitted for general permit coverage. All permittees shall complete the training program at least once every three years.

Part II

Conditions Applicable to all VPA Permits

A. Sampling and analysis methods.

- 1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.
- 2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136).
- 3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.
- 4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Recording of results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- 1. The date, exact place and time of sampling or measurements;
- 2. The persons who performed the sampling or measurements;
- 3. The dates analyses were performed;
- 4. The persons who performed each analysis;
- 5. The analytical techniques or methods used; and
- 6. The results of such analyses and measurements.

C. Records retention. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation shall

be retained on site for five years from the date of the sample, measurement or report. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.

D. Additional monitoring by permittee. If the permittee monitors any pollutant at the locations designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the project report. Such increased frequency shall also be reported.

E. Reporting requirements.

1. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department at least the following information:

a. A description and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and

c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance. Whenever such noncompliance may adversely affect state waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

2. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information, specified in Part II E 1 a through c, regarding each such discharge immediately, that is, as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

NOTE: The immediate (within 24 hours) reports required in Parts II E 1 and 2 may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, a message shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.

F. Signatory requirements. Any registration statement or certification required by this permit shall be signed as follows:

1. For a corporation, by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or

state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)

3. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

G. Change in management of pollutants. All pollutant management activities authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new registration statement 30 days prior to all expansions, production increases, or process modifications, that will result in the management of new or increased pollutants. The management of any pollutant at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

H. Treatment works operation and quality control.

1. Design and operation of facilities or treatment works and disposal of all wastes shall be in accordance with the registration statement filed with the department. The permittee has the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

2. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:

a. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner.

b. The permittee shall provide an adequate operating staff to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.

c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and limitation requirements are not violated.

d. Collected solids shall be stored and utilized as specified in the approved nutrient management plan in such a manner as to prevent entry of those wastes (or runoff from the wastes) into state waters.

I. Adverse impact. The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation or limitations or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation or limitations or conditions.

J. Duty to halt, reduce activity or to mitigate.

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

K. Structural stability. The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or

parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

L. Compliance with state law. Compliance with this permit during its term constitutes compliance with the State Water Control Law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation.

M. Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

N. Severability. The provisions of this permit are severable.

O. Duty to reregister. If the permittee wishes to continue to operate under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 30 days prior to the expiration date of this permit.

P. Right of entry. The permittee shall allow, or secure necessary authority to allow, authorized state representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge or discharges is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;
4. To sample at reasonable times any waste stream, process stream, raw material or by-product; and
5. To inspect at reasonable times any collection, treatment, or pollutant management activities required under this permit. For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained here shall make an inspection time unreasonable during an emergency.

Q. Transferability of permits. Coverage under this permit may be transferred to a new owner by a permittee if:

1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;
2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to transfer coverage under the permit. Such transferred coverage under this permit shall, as of the date of the transfer, be fully effective.

R. Permit modification. The permit may be modified when a change is made in the promulgated standards or regulations on which the permit was based.

S. Permit termination. After public notice and opportunity for a hearing, coverage under the general permit may be terminated for cause.

T. When an individual permit may be required. The director may require any permittee authorized to manage pollutants covered under this general permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

1. The pollutant management activities violate the terms or conditions of this permit;
2. When additions or alterations have been made to the affected facility that require the application of permit conditions that differ from those of the existing permit or are absent from it; and
3. When new information becomes available about the operation or pollutant management activities covered under this permit that were not available at the time of permit coverage.

Coverage under this general permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.

U. When an individual permit may be requested. Any permittee operating under this permit may request to be excluded from the coverage under this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit.

V. Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

W. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.

X. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

Part III

Pollutant Management and Monitoring Requirements for Animal Waste End-Users

A. Pollutant management and monitoring requirements.

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location or locations identified in the registration statement and the facility's approved nutrient management plan.
2. At earthen liquid waste storage facilities constructed after December 1, 1998, to an elevation below the seasonal high water table or within one foot thereof, groundwater monitoring wells shall be installed. A minimum of one up gradient and one down gradient well shall be installed at each earthen waste storage facility that requires groundwater monitoring. Existing wells may be utilized to meet this requirement if properly located and constructed.

3. All facilities previously covered under a VPA permit that required groundwater monitoring shall continue monitoring consistent with the requirements listed below regardless of where they are located relative to the seasonal high water table.
4. At facilities where groundwater monitoring is required, the following conditions apply:
 - a. One data set shall be collected from each well prior to any waste being placed in the storage facility.
 - b. The static water level shall be measured prior to bailing well water for sampling.
 - c. At least three well volumes of groundwater shall be withdrawn immediately prior to sampling each monitoring well.
5. In accordance with subdivisions 2 and 3 of this subsection, the groundwater shall be monitored by the permittee at the monitoring wells as specified below. Additional groundwater monitoring may be required in the facility's approved nutrient management plan.

GROUNDWATER MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Static Water Level	NL	Ft	1/3 years	Measured
Ammonia Nitrogen	NL	mg/L	1/3 years	Grab
Nitrate Nitrogen	NL	mg/L	1/3 years	Grab
pH	NL	SU	1/3 years	Grab
Conductivity	NL	umhos/cm	1/3 years	Grab

NL = No limit, this is a monitoring requirement only.

6. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the facility's approved nutrient management plan.

SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
pH	NL	SU	1/3 years	Composite
Phosphorus	NL	ppm or lbs/ac	1/3 years	Composite
Potash	NL	ppm or lbs/ac	1/3 years	Composite
Calcium	NL	ppm or lbs/ac	1/3 years	Composite
Magnesium	NL	ppm or lbs/ac	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

SU = Standard Units

7. Soil monitoring shall be conducted at a depth of between 0-6 inches, unless otherwise specified in the facility's approved nutrient management plan.
8. Waste shall be monitored as specified below. Additional waste monitoring may be required in the facility's approved nutrient management plan.

WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Total Kjeldahl Nitrogen	NL	*	1/year	Composite
Ammonia Nitrogen	NL	*	1/year	Composite
Total Phosphorus	NL	*	1/year	Composite
Total Potassium	NL	*	1/year	Composite
Calcium	NL	*	1/year	Composite
Magnesium	NL	*	1/year	Composite
Moisture Content	NL	%	1/year	Composite

NL = No limit, this is a monitoring requirement only.

*Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.

9. Analysis of soil and waste shall be according to methods specified in the facility's approved nutrient management plan.

10. All monitoring data collected as required by this section and any additional monitoring shall be maintained on site for a period of five years and shall be made available to department personnel upon request.

B. Other requirements or special conditions.

1. Any liquid manure collection and storage facility shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is frozen or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

2. Waste storage facilities constructed after December 1, 1998, shall not be located on a 100-year floodplain.

3. Earthen waste storage facilities constructed after December 1, 1998, shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least 20 mils thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. A Virginia licensed professional engineer or an employee of the Natural Resources Conservation Service of the U.S. Department of Agriculture with appropriate engineering approval authority shall certify that the siting, design, and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.

4. At earthen waste storage facilities constructed below the seasonal high water table, the top surface of the waste must be maintained at a level of at least two feet above the water table.

5. All liquid waste storage or treatment facilities shall maintain at least one foot of freeboard at all times, up to and including a 25-year, 24-hour storm.

6. For new waste storage or treatment facilities constructed after November 16, 2014, the facilities shall be constructed, operated, and maintained in accordance with the

applicable practice standard adopted by the Natural Resources Conservation Service of the U.S. Department of Agriculture and approved by the department. A Virginia licensed professional engineer or an employee of the Natural Resources Conservation Service of the U.S. Department of Agriculture with appropriate engineering approval shall certify that the siting, design, and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.

7. The permittee shall notify the department's regional office at least 14 days prior to (i) animals being initially placed in the confined facility or (ii) utilization of any new waste storage or treatment facilities.

8. Semi-solid and solid waste shall be stored in a manner that prevents contact with surface water and groundwater. Waste that is stockpiled outside for more than 14 days shall be kept in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:

a. Waste shall be covered to protect it from precipitation and wind;

b. Storm water shall not run onto or under the stored waste;

c. A minimum of two feet separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored waste. All waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot separation between the seasonal high water table and the impermeable barrier. "Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers shall be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum permeability rating of 0.0014 inches per hour (1×10^{-6} centimeters per second); and

d. For waste that is not stored in a waste storage facility or under roof, the storage site must be at least 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs.

9. All equipment needed for the proper operation of the permitted facilities shall be maintained in good working order. The manufacturer's operating and maintenance manuals shall be retained for references to allow for timely maintenance and prompt repair of equipment when appropriate. The permittee shall periodically inspect for leaks on equipment used for land application of waste.

10. All treated wastes generated by a digester or other manure treatment technologies shall be approved by the department and shall be managed by a facility covered under this permit and in accordance with the following conditions:

a. All treated wastes generated by a digester or other manure treatment technologies must be managed through an approved nutrient management plan or transferred to another entity in accordance with animal waste transfer requirements in Part III B 15 and 16.

b. When a facility covered under this permit generates a treated waste from animal waste and other feedstock, the permittee shall maintain records related to the production of the treated waste.

(1) If off-site wastes are added to generate the treated waste, the permittee shall record the following items:

(a) The amount of waste brought to the facility; and

- (b) From whom and where the waste originated.
 - (2) For all treated wastes generated by the facility, the permittee shall record the following items:
 - (a) The amount of treated waste generated;
 - (b) The nutrient analysis of the treated waste; and
 - (c) The final use of the treated waste.
 - (3) Permittees shall maintain the records required by Part III B 10 b (1) and (2) on site for a period of three years. All records shall be made available to department personnel upon request.
11. Animal waste generated by this facility shall not be applied to fields owned by or under the operational control of either the permittee or a legal entity in which the permittee has an ownership interest unless the fields are included in the facility's approved nutrient management plan.
12. The permittee shall implement a nutrient management plan (NMP) developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia and approved by the Department of Conservation and Recreation and maintain the plan on site. The NMP shall address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus loss to ground and surface waters. The terms of the NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:
- a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied;
 - b. Site evaluation and assessment of soil types and potential productivities;
 - c. Nutrient management sampling including soil and waste monitoring;
 - d. Storage and land area requirements;
 - e. Calculation of waste application rates; and
 - f. Waste application schedules.
13. Waste shall not be land applied within buffer zones. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:
- a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);
 - b. Distance from water supply wells or springs: 100 feet;
 - c. Distance from surface water courses: 100 feet (without a permanent vegetated buffer) or 35 feet (if a permanent vegetated buffer exists). Other site-specific conservation practices may be approved by the department that will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer or 35-foot wide vegetated buffer;
 - d. Distance from rock outcropping (except limestone): 25 feet;
 - e. Distance from limestone outcroppings: 50 feet; and
 - f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.
14. The following land application records shall be maintained:

- a. The identification of the land application field sites where the waste is utilized or stored;
- b. The application rate;
- c. The application dates; and
- d. What crops have been planted.

These records shall be maintained on site for a period of five years after the date the application is made and shall be made available to department personnel upon request.

15. Animal waste generated by this facility may be transferred from the permittee to another person, if one or more of the following conditions are met:

a. Animal waste generated by this facility may be transferred off-site for land application or another acceptable use approved by the department, if:

(1) The sites where the animal waste will be utilized are included in this permitted facility's approved nutrient management plan; or

(2) The sites where the animal waste will be utilized are included in another permitted facility's approved nutrient management plan.

b. Animal waste generated by this facility may be transferred off-site without identifying in the permittee's approved nutrient management plan the fields where such waste will be utilized, if the following conditions are met:

(1) The animal waste is registered with the Virginia Department of Agriculture and Consumer Services in accordance with regulations adopted pursuant to subdivision A 2 of § 3.2-3607 of the Code of Virginia; or

(2) When the permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall maintain records in accordance with Part III B 16.

16. Animal waste may be transferred from a permittee to another person without identifying the fields where such waste will be utilized in the permittee's approved nutrient management plan if the following conditions are met:

a. When a permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall provide that person with:

(1) Permittee's name, address, and permit number;

(2) A copy of the most recent nutrient analysis of the animal waste; and

(3) An animal waste fact sheet.

b. When a permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall keep a record of the following:

(1) The recipient name and address;

(2) The amount of animal waste received by the person;

- (3) The date of the transaction;
- (4) The nutrient analysis of the animal waste;
- (5) The locality in which the recipient intends to utilize the animal waste (i.e., nearest town or city and zip code);
- (6) The name of the stream or waterbody, if known, to the recipient that is nearest to the animal waste utilization or storage site; and
- (7) The signed waste transfer records form acknowledging the receipt of the following:
 - (a) The animal waste;
 - (b) The nutrient analysis of the animal waste; and
 - (c) An animal waste fact sheet.

c. Permittees shall maintain the records required by Part III B 16 a and b for at least three years after the date of the transaction and shall make them available to department personnel upon request.

17. When the waste storage or treatment facility is no longer needed, the permittee shall close it in a manner that (i) minimizes the need for further maintenance and (ii) controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the groundwater, surface water, or the atmosphere. At closure, the permittee shall remove all waste residue from the animal waste storage or treatment facility. Removed waste materials shall be utilized according to the approved NMP.

18. As required by § 62.1-44.17:1 F of the Code of Virginia, each permittee covered under this general permit shall have completed the training program offered or approved by the department in the two years prior to submitting the registration statement for general permit coverage or shall complete such training within one year after the registration statement has been submitted for general permit coverage. All permittees shall complete the training program at least once every three years.

9VAC25-192-80. Tracking and accounting requirements for animal waste end-users.

A. When an animal waste end-user is the recipient of more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% percent or more moisture) in any 365-day period from an owner or operator of an animal feeding operation covered by a VPA or VPDES permit, the end-user shall maintain records regarding the transfer and land application of animal waste.

- 1. The animal waste end-user shall provide the permittee with the following items:
 - a. End-user name and address;
 - b. The locality in which the end-user intends to utilize the waste (i.e., nearest town or city and zip code);
 - c. The name of the stream or waterbody, if known, to the end-user that is nearest to the waste utilization or storage site; and
 - d. Written acknowledgement of receipt of:
 - (1) The waste;
 - (2) The nutrient analysis of the waste; and

- (3) An animal waste fact sheet.
2. The animal waste end-user shall record the following items regarding the waste transfer:
- a. The source name, address, and permit number (if applicable);
 - b. The amount of animal waste that was received;
 - c. The date of the transaction;
 - d. The final use of the animal waste;
 - e. The locality in which the waste was utilized (i.e., nearest town or city and zip code); and
 - f. The name of the stream or waterbody, if known, to the recipient that is nearest to the waste utilization or storage site.

Records regarding animal waste transfers shall be maintained on site for a period of three years after the date of the transaction. All records shall be made available to department personnel upon request.

3. If waste is land applied, the animal waste end-user shall keep a record of the following items regarding the land application of the waste:
- a. The nutrient analysis of the waste;
 - b. Maps indicating the animal waste land application fields and storage sites;
 - c. The land application rate;
 - d. The land application dates;
 - e. What crops were planted;
 - f. Soil test results, if obtained;
 - g. NMP, if applicable; and
 - h. The method used to determine the land application rates (i.e., phosphorus crop removal, waste nutrient analysis rate, soil test recommendations, or a nutrient management plan).

Records regarding land application of animal waste shall be maintained on site for a period of three years after the date the application is made. All records shall be made available to department personnel upon request.

B. Any duly authorized agent of the board may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this regulation.

9VAC25-192-90. Utilization and storage requirements for transferred animal waste.

A. An animal waste end-user who receives animal waste from an owner or operator of an animal feeding operation covered by a VPA or VPDES permit shall comply with the requirements outlined in this section.

B. Storage requirements. An animal waste end-user who receives animal waste from an owner or operator of an animal feeding operation covered by a VPA or VPDES permit shall comply with the requirements outlined in this subsection regarding storage of animal waste in his possession or under his control.

1. Animal waste shall be stored in a manner that prevents contact with surface water and groundwater. Animal waste that is stockpiled outside for more than 14 days shall be kept

in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:

- a. Animal waste shall be covered to protect it from precipitation and wind;
 - b. Storm water shall not run onto or under the stored animal waste;
 - c. A minimum of two feet separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored waste. All waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot separation between the seasonal high water table and the impermeable barrier. "Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers shall be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum permeability rating of 0.0014 inches per hour (1×10^{-6} centimeters per second); and
 - d. For animal waste that is not stored in a waste storage facility or under roof, the storage site must be at least 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs.
2. Any liquid animal waste collection and storage facility shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is frozen or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.
 3. Waste storage facilities constructed after December 1, 1998, shall not be located on a 100-year floodplain.
 4. Earthen waste storage facilities constructed after December 1, 1998, shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least 20 mils thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. A Virginia licensed professional engineer or an employee of the Natural Resources Conservation Service of the U.S. Department of Agriculture with appropriate engineering approval authority shall certify that the siting, design, and construction of the waste storage facility comply with the requirements of this subsection. This certification shall be maintained on site.
 5. At earthen waste storage facilities constructed below the seasonal high water table, the top surface of the waste must be maintained at a level of at least two feet above the water table.
 6. All liquid waste storage or treatment facilities shall maintain at least one foot of freeboard at all times, up to and including a 25-year, 24-hour storm.

C. Land application requirements. An animal waste end-user who (i) receives more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) from an owner or operator of an animal feeding operation covered by a VPA or VPDES permit and (ii) land applies animal waste shall follow appropriate land application requirements as outlined in this subsection. The application of animal waste shall be managed to minimize adverse water quality impacts.

1. The maximum application rates can be established by the following methods:

a. Phosphorus crop removal application rates can be used when:

(1) Soil test phosphorus levels do not exceed the values listed in the table below:

Region	Soil Test P (ppm) VPI & SU Soil Test (Mehlich I) *
Eastern Shore and Lower Coastal Plain	135
Middle and Upper Coastal Plain and Piedmont	136
Ridge and Valley	162

* If results are from another laboratory the Department of Conservation and Recreation approved conversion factors must be used.

(2) The phosphorus crop removal application rates are set forth by regulations promulgated by the Department of Conservation and Recreation in accordance with § 10.1-104.2 of the Code of Virginia.

b. Animal waste may be applied to any crop once every three years at a rate of no greater than 80 pounds of plant available phosphorus per acre when:

(1) The plant available phosphorus supplied by the animal waste is based on a waste nutrient analysis obtained in the last two years;

(2) In the absence of current soil sample analyses and recommendations; and

(3) Nutrients have not been supplied by an organic source, other than pastured animals, to the proposed land application sites within the previous three years of the proposed land application date of animal waste.

c. Soil test recommendations can be used when:

(1) Accompanied by analysis results for soil tests that have been obtained from the proposed field or fields in the last three years;

(2) The analytical results are from procedures in accordance with 4VAC50-85-140 A 2 f; and

(3) Nutrients from the waste application do not exceed the nitrogen or phosphorus recommendations for the proposed crop or double crops. The recommendations shall be in accordance with 4VAC50-85-140 A 2 a.

d. A nutrient management plan developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia.

2. The timing of land application of animal waste shall be appropriate for the crop, and in accordance with 4VAC50-85-140 A 4, except that no waste may be applied to ice covered or snow covered ground or to soils that are saturated.

3. Animal waste shall not be land applied within buffer zones. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:

a. Distance from occupied dwellings: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);

b. Distance from water supply wells or springs: 100 feet;

c. Distance from surface water courses: 100 feet (without a permanent vegetated buffer) or 35 feet (if a permanent vegetated buffer exists). Other site-specific conservation practices may be approved by the department that will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer;

- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

D. Animal waste end-users shall maintain the records demonstrating compliance with the requirements of subsections B and C of this section for at least three years and make them available to department personnel upon request.

E. The activities of the animal waste end-user shall not contravene the Water Quality Standards, as amended and adopted by the board, or any provision of the State Water Control Law (§ 62.1-44 et seq. of the Code of Virginia).

F. Any duly authorized agent of the board may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this regulation.

FORMS (9VAC25-192)

[Virginia DEQ Registration Statement for VPA General Permit for Animal Feeding Operations for Owners of Animal Feeding Operations, RS VPG1 \(rev. 2/14\)](#)

[Virginia DEQ Registration Statement for VPA General Permit for Animal Feeding Operations for Animal Waste End-Users, RS End-Users VPG1 \(rev. 2/14\)](#)

Local Government Ordinance Form (eff. 11/94)

[Virginia DEQ Fact Sheet for Animal Waste Use and Storage \(rev. 4/14\)](#)

APPENDIX B
REGISTRATION STATEMENTS AND INSTRUCTIONS

B (i.) FOR AFO OWNERS

B (ii.) ANIMAL WASTE END-USERS

[digital copies can be found on the [DEQnet](#)]

APPENDIX C
GENERAL PERMIT

GENERAL PERMIT NO. VPG1

EFFECTIVE DATE: NOVEMBER 16, 2014

EXPIRATION DATE: NOVEMBER 15, 2024

GENERAL PERMIT FOR POLLUTANT MANAGEMENT ACTIVITIES FOR ANIMAL FEEDING OPERATIONS AND ANIMAL WASTE MANAGEMENT

AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE VIRGINIA POLLUTION ABATEMENT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the State Water Control Law and State Water Control Board regulations adopted pursuant thereto, owners of animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system, and animal waste end-users are authorized to manage pollutants within the boundaries of the Commonwealth of Virginia, except where board regulations prohibit such activities.

The authorized pollutant management activities shall be in accordance with the registration statement, supporting documents submitted to the Department of Environmental Quality, this cover page, Part I-Pollutant Management and Monitoring Requirements for Animal Feeding Operations, Part II-Conditions Applicable to all VPA Permits, and Part III-Pollutant Management and Monitoring Requirements for Animal Waste End-Users, as set forth herein.

PART I
POLLUTANT MANAGEMENT AND MONITORING REQUIREMENTS FOR
ANIMAL FEEDING OPERATIONS

A. POLLUTANT MANAGEMENT AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location or locations identified in the registration statement and the facility's approved nutrient management plan.
2. At earthen liquid waste storage facilities constructed after December 1, 1998, to an elevation below the seasonal high water table or within one foot thereof, groundwater monitoring wells shall be installed. A minimum of one up gradient and one down gradient well shall be installed at each earthen waste storage facility that requires groundwater monitoring. Existing wells may be utilized to meet this requirement if properly located and constructed.
3. All facilities previously covered under a VPA permit that required groundwater monitoring shall continue monitoring consistent with the requirements listed below regardless of where they are located relative to the seasonal high water table.
4. At facilities where groundwater monitoring is required, the following conditions apply:
 - a. One data set shall be collected from each well prior to any waste being placed in the storage facility.
 - b. The static water level shall be measured prior to bailing well water for sampling.
 - c. At least three well volumes of groundwater shall be withdrawn immediately prior to sampling each monitoring well.
5. In accordance with subdivisions 2 and 3 of this subsection, the groundwater shall be monitored by the permittee at the monitoring wells as specified below. Additional groundwater monitoring may be required in the facility's approved nutrient management plan.

GROUNDWATER MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Static Water Level	NL	Ft	1/3 years	Measured
Ammonia Nitrogen	NL	mg/L	1/3 years	Grab
Nitrate Nitrogen	NL	mg/L	1/3 years	Grab
pH	NL	SU	1/3 years	Grab
Conductivity	NL	umhos/cm	1/3 years	Grab

NL = No limit, this is a monitoring requirement only.

6. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the facility's approved nutrient management plan.

SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
pH	NL	SU	1/3 years	Composite
Phosphorus	NL	ppm or lbs/ac	1/3 years	Composite
Potash	NL	ppm or lbs/ac	1/3 years	Composite
Calcium	NL	ppm or lbs/ac	1/3 years	Composite
Magnesium	NL	ppm or lbs/ac	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

SU = Standard Units

7. Soil monitoring shall be conducted at a depth of between 0-6 inches, unless otherwise specified in the facility's approved nutrient management plan.

8. Waste shall be monitored as specified below. Additional waste monitoring may be required in the facility's approved nutrient management plan.

WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Total Kjeldahl Nitrogen	NL	*	1/year	Composite
Ammonia Nitrogen	NL	*	1/year	Composite
Total Phosphorus	NL	*	1/year	Composite
Total Potassium	NL	*	1/year	Composite
Calcium	NL	*	1/year	Composite
Magnesium	NL	*	1/year	Composite
Moisture Content	NL	%	1/year	Composite

NL = No limit, this is a monitoring requirement only.

*Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.

9. Analysis of soil and waste shall be according to methods specified in the facility's approved nutrient management plan.

10. All monitoring data collected as required by this section and any additional monitoring shall be maintained on site for a period of five years and shall be made available to department personnel upon request.

B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Any liquid manure collection and storage facility shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is frozen or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.
2. Waste storage facilities constructed after December 1, 1998, shall not be located on a 100-year floodplain.
3. Earthen waste storage facilities constructed after December 1, 1998, shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least 20 mils thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. A Virginia licensed professional engineer or an employee of the Natural Resources Conservation Service of the United States Department of Agriculture with appropriate engineering approval authority shall certify that the siting, design and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.
4. At earthen waste storage facilities constructed below the seasonal high water table, the top surface of the waste must be maintained at a level of at least two feet above the water table.
5. All liquid waste storage or treatment facilities shall maintain at least one foot of freeboard at all times, up to and including a 25-year, 24-hour storm.
6. For new waste storage or treatment facilities constructed after November 16, 2014, the facilities shall be constructed, operated, and maintained in accordance with the applicable practice standard adopted by the Natural Resources Conservation Service of the U.S. Department of Agriculture and approved by the department. A Virginia licensed professional engineer or an employee of the Natural Resources Conservation Service of the U.S. Department of Agriculture with appropriate engineering approval authority shall certify that the siting, design, and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.
7. The permittee shall notify the department's regional office at least 14 days prior to (i) animals being initially placed in the confined facility or (ii) utilization of any new waste storage or treatment facilities.
8. Semi-solid and solid waste shall be stored in a manner that prevents contact with surface water and groundwater. Waste that is stockpiled outside for more than 14 days shall be kept in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:
 - a. Waste shall be covered to protect it from precipitation and wind;
 - b. Storm water shall not run onto or under the stored waste;
 - c. A minimum of two feet separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored waste. All waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot separation between the seasonal high water table and the impermeable barrier. "Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers shall be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that

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has a minimum permeability rating of 0.0014 inches per hour (1×10^{-6} centimeters per second); and

d. For waste that is not stored in a waste storage facility or under roof, the storage site must be at least 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs.

9. All equipment needed for the proper operation of the permitted facilities shall be maintained in good working order. The manufacturer's operating and maintenance manuals shall be retained for references to allow for timely maintenance and prompt repair of equipment when appropriate. The permittee shall periodically inspect for leaks on equipment used for land application of waste.

10. When wastes are treated by a digester or other manure treatment technologies, the waste treatment process shall be approved by the department and shall be managed by a facility covered under this permit and in accordance with the following conditions:

a. All treated wastes generated by a digester or other manure treatment technologies must be managed through an approved nutrient management plan or transferred to another entity in accordance with animal waste transfer requirements in Part 1 B 15 and 16.

b. When a facility covered under this permit generates a treated waste from animal waste and other feedstock, the permittee shall maintain records related to the production of the treated waste.

(1) If off-site wastes are added to generate the treated waste, the permittee shall record the following items:

- (a) The amount of waste brought to the facility; and
- (b) From whom and where the waste originated.

(2) For all treated wastes generated by the facility, the permittee shall record the following items:

- (a) The amount of treated waste generated;
- (b) The nutrient analysis of the treated waste; and
- (c) The final use of the treated waste.

(3) Permittees shall maintain the records required by Part I B 10 b (1) and (2) on site for a period of three years. All records shall be made available to department personnel upon request.

11. Animal waste generated by this facility shall not be applied to fields owned by or under the operational control of either the permittee or a legal entity in which the permittee has an ownership interest unless the fields are included in the facility's approved nutrient management plan.

12. The permittee shall implement a nutrient management plan (NMP) developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia and approved by the Department of Conservation and Recreation and maintain the plan on site. The NMP shall address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus loss to ground and surface waters. The terms of the NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:

- a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied;
- b. Site evaluation and assessment of soil types and potential productivities;
- c. Nutrient management sampling including soil and waste monitoring;

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- d. Storage and land area requirements;
- e. Calculation of waste application rates; and
- f. Waste application schedules.

13. Waste shall not be land applied within buffer zones. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:

- a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);
- b. Distance from water supply wells or springs: 100 feet;
- c. Distance from surface water courses: 100 feet (without a permanent vegetated buffer) or 35 feet (if a permanent vegetated buffer exists). Other site-specific conservation practices may be approved by the department that will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer or 35-foot wide vegetated buffer;
- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

14. The following land application records shall be maintained:

- a. The identification of the land application field sites where the waste is utilized or stored;
- b. The application rate;
- c. The application dates; and
- d. What crops have been planted.

These records shall be maintained on site for a period of five years after the date the application is made and shall be made available to department personnel upon request.

15. Animal waste generated by this facility may be transferred from the permittee to another person if one or more of the following conditions are met:

- a. Animal waste generated by this facility may be transferred off-site for land application or another acceptable use approved by the department, if:

- (1) The sites where the animal waste will be utilized are included in this permitted facility's approved nutrient management plan; or

- (2) The sites where the animal waste will be utilized are included in another permitted facility's approved nutrient management plan.

- b. Animal waste generated by this facility may be transferred off-site without identifying in the permittee's approved nutrient management plan the fields where such waste will be utilized, if one of the following conditions are met:

- (1) The animal waste is registered with the Virginia Department of Agriculture and Consumer Services in accordance with regulations adopted pursuant to subdivision A 2 of § 3.2-3607 of the Code of Virginia; or

- (2) When the permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall maintain records in accordance with Part I B 16.

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16. Animal waste may be transferred from a permittee to another person without identifying the fields where such waste will be utilized in the permittee's approved nutrient management plan if the following conditions are met:

a. When a permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall provide that person with:

- (1) Permittee's name, address, and permit number;
- (2) A copy of the most recent nutrient analysis of the animal waste; and
- (3) An animal waste fact sheet.

b. When a permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall keep a record of the following:

- (1) The recipient name and address;
- (2) The amount of animal waste received by the person;
- (3) The date of the transaction;
- (4) The nutrient analysis of the animal waste;
- (5) The locality in which the recipient intends to utilize the animal waste (i.e., nearest town or city and zip code);
- (6) The name of the stream or waterbody, if known, to the recipient that is nearest to the animal waste utilization or storage site; and
- (7) The signed waste transfer records form acknowledging the receipt of the following:
 - (a) The animal waste;
 - (b) The nutrient analysis of the animal waste; and
 - (c) An animal waste fact sheet.

c. Permittees shall maintain the records required by Part I B 16 a and b for at least three years after the date of the transaction and shall make them available to department personnel upon request.

17. When the waste storage or treatment facility is no longer needed, the permittee shall close it in a manner that (i) minimizes the need for further maintenance and (ii) controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the groundwater, surface water, or the atmosphere. At closure, the permittee shall remove all waste residue from the animal waste storage or treatment facility. Removed waste materials shall be utilized according to the approved NMP.

18. As required by § 62.1-44.17:1 F of the Code of Virginia, each permittee covered under this general permit shall have completed the training program offered or approved by the department in the two years prior to submitting the registration statement for general permit coverage, or shall complete such training within one year after the registration statement has been submitted for general permit coverage. All permittees shall complete the training program at least once every three years.

**PART II
CONDITIONS APPLICABLE TO ALL VPA PERMITS**

A. SAMPLING AND ANALYSIS METHODS

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.
2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136).
3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.
4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;
2. The persons who performed the sampling or measurements;
3. The dates analyses were performed;
4. The persons who performed each analysis;
5. The analytical techniques or methods used; and
6. The results of such analyses and measurements.

C. RECORDS RETENTION

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation shall be retained on site for five years from the date of the sample, measurement or report. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.

D. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors any pollutant at the locations designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the project report. Such increased frequency shall also be reported.

E. REPORTING REQUIREMENTS

1. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department at least the following information:
 - a. A description and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and
 - c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance. Whenever such noncompliance may adversely affect state waters or may

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endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

2. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information, specified in Part II E 1 a through c, regarding each such discharge immediately, that is, as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

NOTE: The immediate (within 24 hours) reports required in Parts II E 1 and 2 may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, a message shall fulfill the immediate reporting requirement.

FOR EMERGENCIES, THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT MAINTAINS A 24-HOUR TELEPHONE SERVICE AT 1-800-468-8892.

F. SIGNATORY REQUIREMENTS

Any registration statement or certification required by this permit shall be signed as follows:

1. For a corporation, by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)
3. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

G. CHANGE IN MANAGEMENT OF POLLUTANTS

All pollutant management activities authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new registration statement 30 days prior to all expansions, production increases, or process modifications, that will result in the management of new or increased pollutants. The management of any pollutant at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

H. TREATMENT WORKS OPERATION AND QUALITY CONTROL

1. Design and operation of facilities or treatment works and disposal of all wastes shall be in accordance with the registration statement filed with the department. The permittee has the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

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2. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:

- a. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner.
- b. The permittee shall provide an adequate operating staff to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.
- c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and limitation requirements are not violated.
- d. Collected solids shall be stored and utilized as specified in the approved nutrient management plan in such a manner as to prevent entry of those wastes (or runoff from the wastes) into state waters.

I. ADVERSE IMPACT

The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation or limitations or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation or limitations or conditions.

J. DUTY TO HALT, REDUCE ACTIVITY OR TO MITIGATE

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

K. STRUCTURAL STABILITY

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

L. COMPLIANCE WITH STATE LAW

Compliance with this permit during its term constitutes compliance with the State Water Control Law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation.

M. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

N. SEVERABILITY

The provisions of this permit are severable.

O. DUTY TO REREGISTER

If the permittee wishes to continue to operate under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 30 days prior to the expiration date of this permit.

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P. RIGHT OF ENTRY

The permittee shall allow, or secure necessary authority to allow, authorized state representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge or discharges is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;
4. To sample at reasonable times any waste stream, process stream, raw material or by-product; and
5. To inspect at reasonable times any collection, treatment, or pollutant management activities required under this permit. For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained here shall make an inspection time unreasonable during an emergency.

Q. TRANSFERABILITY OF PERMITS

Coverage under this permit may be transferred to a new owner by a permittee if:

1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;
2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to transfer coverage under the permit. Such transferred coverage under this permit shall, as of the date of the transfer, be fully effective.

R. PERMIT MODIFICATION

The permit may be modified when a change is made in the promulgated standards or regulations on which the permit was based.

S. PERMIT TERMINATION

After public notice and opportunity for a hearing, coverage under the general permit may be terminated for cause.

T. WHEN AN INDIVIDUAL PERMIT MAY BE REQUIRED

The director may require any permittee authorized to manage pollutants covered under this general permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

1. The pollutant management activities violate the terms or conditions of this permit;
2. When additions or alterations have been made to the affected facility that require the application of permit conditions that differ from those of the existing permit or are absent from it; and
3. When new information becomes available about the operation or pollutant management activities covered under this permit that were not available at the time of permit coverage.

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Coverage under this general permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.

U. WHEN AN INDIVIDUAL PERMIT MAY BE REQUESTED

Any permittee operating under this permit may request to be excluded from the coverage under this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit.

V. CIVIL AND CRIMINAL LIABILITY

Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

W. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.

X. UNAUTHORIZED DISCHARGE OF POLLUTANTS

Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

PART III
POLLUTANT MANAGEMENT AND MONITORING REQUIREMENTS FOR
ANIMAL WASTE END-USERS

A. POLLUTANT MANAGEMENT AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location or locations identified in the registration statement and the facility's approved nutrient management plan.
2. At earthen liquid waste storage facilities constructed after December 1, 1998, to an elevation below the seasonal high water table or within one foot thereof, groundwater monitoring wells shall be installed. A minimum of one up gradient and one down gradient well shall be installed at each earthen waste storage facility that requires groundwater monitoring. Existing wells may be utilized to meet this requirement if properly located and constructed.
3. All facilities previously covered under a VPA permit that required groundwater monitoring shall continue monitoring consistent with the requirements listed below regardless of where they are located relative to the seasonal high water table.
4. At facilities where groundwater monitoring is required, the following conditions apply:
 - a. One data set shall be collected from each well prior to any waste being placed in the storage facility.
 - b. The static water level shall be measured prior to bailing well water for sampling.
 - c. At least three well volumes of groundwater shall be withdrawn immediately prior to sampling each monitoring well.
5. In accordance with subdivisions 2 and 3 of this subsection, the groundwater shall be monitored by the permittee at the monitoring wells as specified below. Additional groundwater monitoring may be required in the facility's approved nutrient management plan.

GROUNDWATER MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Static Water Level	NL	Ft	1/3 years	Measured
Ammonia Nitrogen	NL	mg/L	1/3 years	Grab
Nitrate Nitrogen	NL	mg/L	1/3 years	Grab
pH	NL	SU	1/3 years	Grab
Conductivity	NL	umhos/cm	1/3 years	Grab

NL = No limit, this is a monitoring requirement only.

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6. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the facility's approved nutrient management plan.

SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
pH	NL	SU	1/3 years	Composite
Phosphorus	NL	ppm or lbs/ac	1/3 years	Composite
Potash	NL	ppm or lbs/ac	1/3 years	Composite
Calcium	NL	ppm or lbs/ac	1/3 years	Composite
Magnesium	NL	ppm or lbs/ac	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

SU = Standard Units

7. Soil monitoring shall be conducted at a depth of between 0-6 inches, unless otherwise specified in the facility's approved nutrient management plan.

8. Waste shall be monitored as specified below. Additional waste monitoring may be required in the facility's approved nutrient management plan.

WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Total Kjeldahl Nitrogen	NL	*	1/year	Composite
Ammonia Nitrogen	NL	*	1/year	Composite
Total Phosphorus	NL	*	1/year	Composite
Total Potassium	NL	*	1/year	Composite
Calcium	NL	*	1/year	Composite
Magnesium	NL	*	1/year	Composite
Moisture Content	NL	%	1/year	Composite

NL = No limit, this is a monitoring requirement only.

*Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.

9. Analysis of soil and waste shall be according to methods specified in the facility's approved nutrient management plan.

10. All monitoring data collected as required by this section and any additional monitoring shall be maintained on site for a period of five years and shall be made available to department personnel upon request.

B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Any liquid manure collection and storage facility shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is frozen or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.
2. Waste storage facilities constructed after December 1, 1998, shall not be located on a 100-year floodplain.
3. Earthen waste storage facilities constructed after December 1, 1998, shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least 20 mils thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. A Virginia licensed professional engineer or an employee of the Natural Resources Conservation Service of the U.S. Department of Agriculture with appropriate engineering approval authority shall certify that the siting, design, and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.
4. At earthen waste storage facilities constructed below the seasonal high water table, the top surface of the waste must be maintained at a level of at least two feet above the water table.
5. All liquid waste storage or treatment facilities shall maintain at least one foot of freeboard at all times, up to and including a 25-year, 24-hour storm.
6. For new waste storage or treatment facilities constructed after November 16, 2014, the facilities shall be constructed, operated, and maintained in accordance with the applicable practice standard adopted by the Natural Resources Conservation Service of the U.S. Department of Agriculture and approved by the department. A Virginia licensed professional engineer or an employee of the Natural Resources Conservation Service of the U.S. Department of Agriculture with appropriate engineering approval shall certify that the siting, design, and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.
7. The permittee shall notify the department's regional office at least 14 days prior to (i) animals being initially placed in the confined facility or (ii) utilization of any new waste storage or treatment facilities.
8. Semi-solid and solid waste shall be stored in a manner that prevents contact with surface water and groundwater. Waste that is stockpiled outside for more than 14 days shall be kept in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:
 - a. Waste shall be covered to protect it from precipitation and wind;
 - b. Storm water shall not run onto or under the stored waste;
 - c. A minimum of two feet separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored waste. All waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot separation between the seasonal high water table and the impermeable barrier. "Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers shall be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum permeability rating of 0.0014 inches per hour (1×10^{-6} centimeters per second); and
 - d. For waste that is not stored in a waste storage facility or under roof, the storage site must be at least 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs.
9. All equipment needed for the proper operation of the permitted facilities shall be maintained in good working order. The manufacturer's operating and maintenance manuals shall be retained for references to

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allow for timely maintenance and prompt repair of equipment when appropriate. The permittee shall periodically inspect for leaks on equipment used for land application of waste.

10. All treated wastes generated by a digester or other manure treatment technologies shall be approved by the department and shall be managed by a facility covered under this permit and in accordance with the following conditions:

a. All treated wastes generated by a digester or other manure treatment technologies must be managed through an approved nutrient management plan or transferred to another entity in accordance with animal waste transfer requirements in Part III B 15 and 16.

b. When a facility covered under this permit generates a treated waste from animal waste and other feedstock, the permittee shall maintain records related to the production of the treated waste.

(1) If off-site wastes are added to generate the treated waste, the permittee shall record the following items:

(a) The amount of waste brought to the facility; and

(b) From whom and where the waste originated.

(2) For all treated wastes generated by the facility, the permittee shall record the following items:

(a) The amount of treated waste generated;

(b) The nutrient analysis of the treated waste; and

(c) The final use of the treated waste.

(3) Permittees shall maintain the records required by Part III B 10 b (1) and (2) on site for a period of three years. All records shall be made available to department personnel upon request.

11. Animal waste generated by this facility shall not be applied to fields owned by or under the operational control of either the permittee or a legal entity in which the permittee has an ownership interest unless the fields are included in the facility's approved nutrient management plan.

12. The permittee shall implement a nutrient management plan (NMP) developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia and approved by the Department of Conservation and Recreation and maintain the plan on site. The NMP shall address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus loss to ground and surface waters. The terms of the NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:

a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied;

b. Site evaluation and assessment of soil types and potential productivities;

c. Nutrient management sampling including soil and waste monitoring;

d. Storage and land area requirements;

e. Calculation of waste application rates; and

f. Waste application schedules.

13. Waste shall not be land applied within buffer zones. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:

a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);

b. Distance from water supply wells or springs: 100 feet;

c. Distance from surface water courses: 100 feet (without a permanent vegetated buffer) or 35 feet (if a permanent vegetated buffer exists). Other site-specific conservation practices may be approved by the

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department that will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer or 35-foot wide vegetated buffer;

d. Distance from rock outcropping (except limestone): 25 feet;

e. Distance from limestone outcroppings: 50 feet; and

f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

14. The following land application records shall be maintained:

a. The identification of the land application field sites where the waste is utilized or stored;

b. The application rate;

c. The application dates; and

d. What crops have been planted.

These records shall be maintained on site for a period of five years after the date the application is made and shall be made available to department personnel upon request.

15. Animal waste generated by this facility may be transferred from the permittee to another person, if one or more of the following conditions are met:

a. Animal waste generated by this facility may be transferred off-site for land application or another acceptable use approved by the department, if:

(1) The sites where the animal waste will be utilized are included in this permitted facility's approved nutrient management plan; or

(2) The sites where the animal waste will be utilized are included in another permitted facility's approved nutrient management plan.

b. Animal waste generated by this facility may be transferred off-site without identifying in the permittee's approved nutrient management plan the fields where such waste will be utilized, if the following conditions are met:

(1) The animal waste is registered with the Virginia Department of Agriculture and Consumer Services in accordance with regulations adopted pursuant to subdivision A 2 of § 3.2-3607 of the Code of Virginia; or

(2) When the permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall maintain records in accordance with Part III B 16.

16. Animal waste may be transferred from a permittee to another person without identifying the fields where such waste will be utilized in the permittee's approved nutrient management plan if the following conditions are met:

a. When a permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall provide that person with:

(1) Permittee's name, address, and permit number;

(2) A copy of the most recent nutrient analysis of the animal waste; and

(3) An animal waste fact sheet.

b. When a permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85% moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85% or more moisture) in any 365-day period, the permittee shall keep a record of the following:

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- (1) The recipient name and address;
- (2) The amount of animal waste received by the person;
- (3) The date of the transaction;
- (4) The nutrient analysis of the animal waste;
- (5) The locality in which the recipient intends to utilize the animal waste (i.e., nearest town or city and zip code);
- (6) The name of the stream or waterbody, if known, to the recipient that is nearest to the animal waste utilization or storage site; and
- (7) The signed waste transfer records form acknowledging the receipt of the following:
 - (a) The animal waste;
 - (b) The nutrient analysis of the animal waste; and
 - (c) An animal waste fact sheet.

c. Permittees shall maintain the records required by Part III B 16 a and b for at least three years after the date of the transaction and shall make them available to department personnel upon request.

17. When the waste storage or treatment facility is no longer needed, the permittee shall close it in a manner that (i) minimizes the need for further maintenance and (ii) controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the groundwater, surface water, or the atmosphere. At closure, the permittee shall remove all waste residue from the animal waste storage or treatment facility. Removed waste materials shall be utilized according to the approved NMP.

18. As required by § 62.1-44.17:1 F of the Code of Virginia, each permittee covered under this general permit shall have completed the training program offered or approved by the department in the two years prior to submitting the registration statement for general permit coverage or shall complete such training within one year after the registration statement has been submitted for general permit coverage. All permittees shall complete the training program at least once every three years.

APPENDIX D
TRANSMITTAL LETTERS

D (i.) REGISTRATION STATEMENT TRANSMITTAL LETTER (FOR ALL APPLICANTS)

INSTRUCTIONS: UPDATE APPROPRIATE INFORMATION THAT IS ITALICIZED AND WITHIN THE *{BRACKETS}* I.E. PERMIT # AND CONTACT INFORMATION (REMOVE THE PERMIT NUMBER IF THIS LETTER IS FOR A NEW APPLICANT), THEN REMOVE THE FORMATTING AND BRACKETS

REGISTRATION STATEMENT TRANSMITTAL LETTER (FOR ALL APPLICANTS)

{REGIONAL LETTERHEAD}

Date

{Contact
Farm Name
Address
City, state zip}

Re: Registration Statement to Apply for Coverage under the Virginia Pollution Abatement (VPA) General Permit for AFOs and Animal Waste Management *{insert Permit No. VPG1XXXXX if applicant is renewing coverage, remove permit number text if for new applicant}*, {insert: County Name}

Dear {Contact}:

Attached is the Registration Statement and instructions to apply for coverage under the VPA General Permit for AFOs and Animal Waste Management. *{insert the following text if applicant is renewing coverage, remove text if letter is for a new applicant: The current general permit has a ten year term and expires on November 15, 2014. If you intend to continue your operation beyond the expiration date, you must reapply at least 30 days before the expiration date.}*

Additionally, the following items must accompany your completed Registration Statement.

1. For new and expanding AFOs: a completed and signed Local Government Ordinance Form (LGOF) *{insert the following text if applicant is renewing coverage under this have previously be issued a VPA or VPDES permit , remove if applicant is new: (unless the operation has been previously covered by valid VPA or VPDES permit)}*,
2. a current copy of the DCR approved Nutrient Management Plan (NMP) (unless the current copy is already on file with the DEQ regional office), and
3. the DCR NMP approval letter (unless the current copy is already on file with the DEQ regional office).

If you have any questions about applying for coverage under this general permit or future inspections of your farm, please contact {Regional Permit / Inspector Contact} at {(XXX) XXX-XXXX} or {email address}.

Sincerely,

Regional Contact

Enclosures: Registration Statement and instructions

APPENDIX D
TRANSMITTAL LETTERS

D (ii.) TRANSMITTAL LETTER - ISSUANCE (NEW AFO OWNERS)

INSTRUCTIONS: UPDATE APPROPRIATE INFORMATION THAT IS ITALICIZED AND WITHIN THE *{BRACKETS}* I.E. PERMIT # AND CONTACT INFORMATION, THEN REMOVE THE FORMATTING AND BRACKETS

TRANSMITTAL LETTER - ISSUANCE (NEW AFO OWNERS)

{REGIONAL LETTERHEAD}

Date

{Contact
Farm Name
Address
City, state zip}

Re: Issuance of Coverage Under the Virginia Pollution Abatement (VPA) General Permit for Animal Feeding Operations (AFOs) and Animal Waste Management Permit No. {VPG1XXXXX, County Name}

Dear {Contact}:

We have reviewed your completed Registration Statement and attachments received on {Date} and have determined that this AFO is hereby covered under the above referenced VPA general permit. The effective date of your coverage is the date of this letter. The general permit has a ten year term and expires on November 15, 2024. If you intend to continue your operation beyond the expiration date, you must reapply at least 30 days before the expiration date. Your copy of the general permit is enclosed; it contains the applicable monitoring requirements and other conditions of permit coverage. In addition, you must comply with your current Department of Conservation and Recreation approved Nutrient Management Plan (NMP). Please read the general permit carefully.

Also please find enclosed five (5) copies of the Animal Waste Factsheet and accompanying end-user recordkeeping forms. The Factsheet outlines the requirements for animal waste storage and utilization and must be given to persons to whom you sell or give animal waste, along with the end-user recordkeeping forms. Your animal transactions should be recorded on the Animal Waste Transfer - Recipient Form, five (5) copies are enclosed. Although the permit only requires records of transfers in excess of 10 tons (solid or semi-solid waste) or 6,000 gallons (liquid waste) per year, we recommend that you make a record of every waste transaction, regardless of size. Our inspectors will be reviewing these records when they visit your operation. Please make extra copies of the fact sheet, end-user recordkeeping forms and transfer recordkeeping forms as you need them, you may also find these forms at the following website:

<http://www.deq.state.va.us/Programs/Water/LandApplicationBeneficialReuse/LivestockPoultry.aspx>.

If you have any questions about this permit or future inspections of your farm, please contact {Regional Permit / Inspector Contact} at (XXX) XXX-XXXX or {email address}.

Sincerely,

Regional Contact

Enclosures

APPENDIX D
TRANSMITTAL LETTERS

D (iii.) REISSUANCE (RENEWAL FOR EXISTING VPA AFO PERMITTEES)

INSTRUCTIONS: UPDATE APPROPRIATE INFORMATION THAT IS ITALICIZED AND WITHIN THE *{BRACKETS}* I.E. PERMIT # AND CONTACT INFORMATION, THEN REMOVE THE FORMATTING AND BRACKETS

TRANSMITTAL LETTER - REISSUANCE (RENEWAL FOR EXISTING VPA AFO PERMITTEES)

{REGIONAL LETTERHEAD}

{Date}

{Contact
Farm Name
Address
City, state zip}

Re: Reissuance of Coverage under the Virginia Pollution Abatement (VPA) General Permit for Animal Feeding Operations (AFOs) and Animal Waste Management Permit No. {VPG1XXXXX, County Name}

Dear {Contact}:

We have reviewed your completed Registration Statement and attachments received on {Date} and have determined that this AFO is hereby covered under the above referenced VPA general permit. The effective date of your coverage is the date of this letter. The general permit has a ten year term and expires on November 15, 2024. If you intend to continue your operation beyond the expiration date, you must reapply at least 30 days before the expiration date. Your copy of the general permit is enclosed; it contains the applicable monitoring requirements and other conditions of permit coverage. In addition, you must comply with your current Department of Conservation and Recreation approved Nutrient Management Plan (NMP).

Please read the general permit carefully as it has been modified for this reissuance. The modifications become effective on November 16, 2014. The significant changes to the general permit were the addition of the activities listed below:

1. the use of a digester or other manure treatment technology,
2. the storage and utilization of wastes produced from the treatment technology,
3. the use of off-site generated waste to feed a digester or other manure treatment technology, and
4. the transfer of animal waste as well as the storage and utilization of transferred animal waste.

To allow for these activities, conditions were added to the regulation and general permit. The enclosed copy of the general permit lists these new conditions.

Also enclosed are five (5) copies of the Animal Waste Factsheet and accompanying end-user recordkeeping forms. The Factsheet outlines the requirements for animal waste storage and utilization and must be given to persons to whom you sell or give animal waste, along with the end-user recordkeeping forms. Your animal transactions should be recorded on the Animal Waste Transfer - Recipient Form, five (5) copies are enclosed. Although the permit only requires records of transfers in excess of 10 tons (solid or semi-solid waste) or 6,000 gallons (liquid waste) per year, we recommend that you make a record of every waste transaction, regardless of size. Our inspectors will be reviewing these records when they visit your operation. Please make extra copies of the fact sheet, end-user recordkeeping forms and transfer recordkeeping forms as you need them, you may also find these forms at the following website: <http://www.deq.state.va.us/Programs/Water/LandApplicationBeneficialReuse/LivestockPoultry.aspx>.

If you have any questions about this permit or future inspections of your farm, please contact {Regional Permit / Inspector Contact} at {(XXX) XXX-XXXX} or {email address}.

Sincerely,

Regional Contact

Enclosures

**APPENDIX D
TRANSMITTAL LETTERS**

D (iv) TERMINATION OF COVERAGE UNDER THE GP

INSTRUCTIONS: UPDATE APPROPRIATE INFORMATION THAT IS ITALICIZED AND WITHIN THE *{BRACKETS}* I.E. PERMIT # AND CONTACT INFORMATION, THEN REMOVE THE FORMATTING AND BRACKETS

TRANSMITTAL LETTER – TERMINATION OF COVERAGE UNDER THE GP

{REGIONAL LETTERHEAD}

{insert Date}

*{insert permittee name,
farm name
and address}*

RE: Termination of Coverage under the Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management, Permit #: *{insert permit #, i.e. VPG1XXXXX}*

Dear *{insert Permittee name}*:

We received your request on *{insert Date}* to terminate your coverage under the VPA Regulation and General Permit for Animal Feeding Operations and Animal Waste Management *{insert Permit # (VPG1XXXXX)}* and waiver of your right to a hearing. A final inspection of your farm was completed on *{insert Inspection Date}*; *{insert Details of inspection relevant to termination (i.e.:no cattle were present at the time of the inspection)}*.

Per your request, in accordance with Part II.S. of the VPA General Permit for Animal Feeding Operations and Animal Waste Management, your coverage under this permit is hereby terminated. The effective date of the termination of your coverage under permit *{insert Permit #}* is the date of this letter.

If you have any questions, please contact *{insert contact name}* at *{insert contact phone number}*.

Sincerely,
*{insert manager name and title:
should be signed by Regional Manager or
Director responsible for the regional AFO
permits}*

**APPENDIX D
TRANSMITTAL LETTERS**

D (v) NOTIFICATION TO VDH-DSS

INSTRUCTIONS: UPDATE APPROPRIATE INFORMATION THAT IS ITALICIZED AND WITHIN THE *{BRACKETS}* I.E. PERMIT # AND CONTACT INFORMATION, THEN REMOVE THE FORMATTING AND BRACKETS

TRANSMITTAL LETTER - NOTIFICATION TO VDH-DSS

{send via EMAIL}

{Date}

{VDH Contact}

Virginia Department of Health
Division of Shellfish Sanitation
{Central office address}

RE: VPA General Permit for Animal Feeding Operations (AFOs) Permit No. **{VPG1XXXXXX}**,
{Facility Name}, **{County}** *{Choose one: Issuance/Reissuance/Expansion}*

Dear :

Enclosed is a copy of the referenced VPA General Permit for AFOs Registration Statement.

If you have any questions, please contact me at **{(XXX) XXX-XXXX}** or **{e-mail address}@deq.virginia.gov**.

Sincerely,

{Permit Writer}

Enclosure: Registration Statement

**APPENDIX D
TRANSMITTAL LETTERS**

D (vi) NOTIFICATION TO VDH-ODWS

INSTRUCTIONS: UPDATE APPROPRIATE INFORMATION THAT IS ITALICIZED AND WITHIN THE *[BRACKETS]* I.E. PERMIT # AND CONTACT INFORMATION, THEN REMOVE THE FORMATTING AND BRACKETS

TRANSMITTAL LETTERS - NOTIFICATION TO VDH-ODWS

{ Send via EMAIL }

{Date}

{VDH Contact}

Virginia Department of Health
Office of Drinking Water
{Central office address}

RE: VPA General Permit for Animal Feeding Operations (AFOs) Permit No. **{VPG1XXXXXX}**,
{Facility Name}, **{County}** *{Choose one: Issuance/Reissuance/Expansion}*

Dear :

Enclosed is a copy of the referenced VPA General Permit for AFOs Registration Statement.

If you have any questions, please contact me at **{(XXX) XXX-XXXX}** or **{e-mail address}@deq.virginia.gov**.

Sincerely,

{Permit Writer}

Enclosure: Registration Statement

**APPENDIX D
TRANSMITTAL LETTERS**

D (vii) REGISTRATION STATEMENT DEFICIENCY LETTER

INSTRUCTIONS: UPDATE APPROPRIATE INFORMATION THAT IS ITALICIZED AND WITHIN THE *{BRACKETS}* I.E. PERMIT # AND CONTACT INFORMATION, THEN REMOVE THE FORMATTING AND BRACKETS

TRANSMITTAL LETTER – REGISTRATION STATEMENT DEFICIENCY LETTER

{Regional Letterhead}

{Date}

{Contact
Farm Name
Address
City, state zip}

Re: Coverage under the Virginia Pollution Abatement (VPA) General Permit for Animal Feeding Operations (AFOs) and Animal Waste Management

Dear {Applicant}:

Your registration statement for coverage under this general permit was received on {date}. We have reviewed it and find that there are deficiencies, which must be resolved before the AFO can be covered. This registration statement was deemed deficient for the following reason(s):

- The owner's name, address or phone number was incomplete.
- The operator or contact person's name, address or phone number was incomplete.
- The type(s) of wastes and/or how much waste will be managed at the AFO was incomplete.
- The questions related to off-site waste transfers were incomplete.
- The type(s) and/or maximum number(s) and/or maximum weight(s) of animals that will be maintained at the AFO was incomplete.
- A completed Local Government Ordinance Form (LGOF) was not attached to the registration statement and it is not on file with the DEQ.
- A copy of the nutrient management plan (NMP) approved by the Department of Conservation and Recreation (DCR) was not attached to the registration statement and it is not on file with the DEQ.
- A copy of the DCR NMP approval letter of the NMP was not attached to the registration statement and it is not on file with the DEQ.
- The certification statement was not signed.
- The certification statement was incorrectly signed. Please refer to the registration statement instructions for information on whom is eligible to sign the document.
- The certification statement signature was a photocopy. Only original ink signatures are acceptable.

You are hereby requested to make the necessary corrections and/or provide the additional information. We are unable to continue processing your registration statement until these deficiencies have been resolved.

If you have any questions about this request, or if we can be of assistance, please contact me at {(XXX)XXX-XXXX} or at {email address}.

Sincerely,

{staff name}
Staff title

**APPENDIX E
OTHER PERMIT FORMS**

E(i) LOCAL GOVERNMENT ORDINANCE FORM (LGOF)

To: Permit Applicants Seeking:

- Coverage Under the Virginia Pollution Abatement (VPA) General Permit for Animal Feeding Operations, or
- A Virginia Pollution Discharge Elimination System (VPDES) Permit for Concentrated Animal Feeding Operations

Subject: Local and Areawide Planning Requirements

All applicants seeking coverage under a VPA or a VPDES permit must submit a notification from the governing body of the county, city or town where the operation is located that the operation is consistent with all ordinances adopted pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia). A completed and signed Local Government Ordinance Form (LGOF) containing the certification statement satisfies the requirement of notification from the local government. Page two of this document is the LGOF. Your permit application or registration statement must be made available to the local official so a determination as to whether or not the facility is consistent with the local ordinances.

For applicants of a VPA General Permit, Section [62.1-44.17:1](#) C 3 of the Code of Virginia states:

"The owner shall attach to the registration statement":..."A notification from the governing body of the locality where the operation is located that the operation is consistent with all ordinances adopted pursuant to Chapter 22 (§ [15.2-2200](#) et seq.) of Title 15.2."

In accordance with this section, permit applications for a new or expanding facility seeking coverage under the VPA will not be considered complete until the LGOF is submitted to the Department of Environmental Quality Regional Office.

For applicants of a VPDES Permit, Section [62.1-44.15:3](#) A of the Code of Virginia states:

"No application submitted to the Board for a new individual Virginia Pollutant Discharge Elimination permit authorizing a new discharge of sewage, industrial wastes, or other wastes shall be considered complete unless it contains notification from the county, city, or town in which the discharge is to take place that the location and operation of the discharging facility are consistent with applicable ordinances adopted pursuant to Chapter 22 (§ [15.2-2200](#) et seq.) of Title 15.2. The county, city, or town shall inform in writing the applicant and the Board of the discharging facility's compliance or noncompliance not more than thirty days from receipt by the chief administrative officer, or his agent, of a request from the applicant. Should the county, city, or town fail to provide such written notification within thirty days, the requirement for such notification is waived. The provisions of this subsection shall not apply to any discharge for which a valid certificate had been issued prior to March 10, 2000."

In accordance with this section, applications for a new VPDES permit will not be considered complete until the certification statement is submitted to the Department of Environmental Quality Regional Office. If the locality does not respond to your request within 30 days, submit a copy of the LGOF, showing the date you made the request, with your permit application.



Local Government Ordinance Form

For requests for a VPA or VPDES permit for an Animal Feeding Operation

Date: _____

To: _____
(County, City, or Town Administrator/ Manager)

I am in the process of completing an application for a Department of Environmental Quality permit. In accordance with Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code, I request that you sign one of the three statements certifying that the operation described on the attached permit application is or is not consistent with your local ordinances. Please return this form to the applicant at:

Applicant's Name:	
Address:	

In reference to the request from: _____
Applicant's Name

For certification of a facility location/ or a discharge at: _____
Name of Facility

Location of Facility

I hereby certify,

(1) that the proposed location, and operation of the facility is consistent with all ordinances adopted pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia.

OR

(2) that no local ordinances are in effect pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia.

OR

(3) that the proposed location and operation of the facility is **not** consistent with all ordinances adopted pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia.

Signature of County, City, or Town Administrator/ Manager

Title

Printed Name

Date

**APPENDIX E
OTHER PERMIT FORMS**

E(ii) CHANGE OF OWNERSHIP AGREEMENT FORM

Instructions: Staff should complete the underlined items in this form prior to sending the form to the current permittee. The date of transfer, contact information and signatures must be obtained in order to process the change of change of ownership.

CHANGE OF OWNERSHIP AGREEMENT FORM

Change of Ownership Agreement Form

RE: Change of Ownership - VPA General Permit for Animal Feeding Operations and Animal Waste Management

Permit No. VPG1XXXXX

Name of permitted facility: XXXXXXXXXX

County: XXXXXXXXXX

Please return this completed form to the address below:

Virginia Department of Environmental Quality

Attention: permit writer

XXXXXX Regional Office

Address of Regional Office

We, the undersigned, hereby request a transfer of ownership for the referenced permit.

Anticipated/Actual date of transfer: _____

CURRENT OWNER OF THE PERMIT: I (We) hereby agree to the transfer of ownership modification to the referenced VPA General Permit for Animal Feeding Operations and Animal Waste Management.

Current Owner name as listed on the VPA General Permit Transmittal Letter: Mr. or Mrs. XXXXXXXX

Signed: _____ Date: _____

Printed Name: _____ Title: _____

Address: _____

Telephone: (_____) _____

In lieu of the section below, the new owner must complete a new VPA General Permit for Animal Feeding Operations Registration Statement. A blank Registration Statement has been sent to the other party.

NEW OWNER OF PERMIT: I (We) hereby agree to the change of ownership modification to the referenced VPA Permit, and agree to accept all conditions and responsibilities of the permit.

Transferred permit to be issued to: _____

Signed: _____ Date: _____

Printed Name: _____ Title: _____

Address: _____

Telephone: (_____) _____

This form must be signed by properly authorized individuals as specified in the VPA Permit Regulation.

**APPENDIX E
OTHER PERMIT FORMS**

E (iii.) TERMINATION OF COVERAGE FORM

Instructions: update appropriate information that is italicized and within the *[brackets]* i.e. Permit # and contact information, then remove the formatting and bracket

TERMINATION OF COVERAGE FORM

SUBJECT: TERMINATION OF COVERAGE UNDER VPA GENERAL PERMIT NO. VPGXXXXXX

TO: *[Permit writer or inspector contact name]*
Department of Environmental Quality
[Regional Office]
[Address]

OWNER: *[Permittee]*
[Farm name]
[Address]

Reason for Termination:

I hereby agree to the termination of coverage under the VPA General Permit No. *[VPGXXXXXX]* and waive my right to a hearing in accordance with section 62.1-44.25 of the State Water Control Law for the following reasons:

Signed: _____

Printed Name: _____

Title: _____

Date: _____

Revised 08/2011

**APPENDIX E
OTHER PERMIT FORMS**

E (iv.) SAMPLE NEIGHBOR NOTIFICATION LETTER

OTHER PERMIT FORM - SAMPLE NEIGHBOR NOTIFICATION LETTER

[Date]

Dear Neighbor;

I am applying to the Department of Environmental Quality (DEQ) for coverage under the Animal Feeding Operations and Animal Waste Management General Permit. DEQ requires that I notify all owners or residents of property adjoining my operation. My operation will maintain a maximum number of (number and animal type) at any one time. Land application of the animal generated by my operation will be strictly regulated by the DEQ permit and a nutrient management plan approved by the Department of Conservation and Recreation. The DEQ regulations provide for a 30 day comment period during which you may send them comments regarding my request for coverage under this permit. After that time, DEQ will determine whether my operation will be covered by this permit. If you would like to comment, you must send your written comments within the next 30 days to the following address:

DEQ Regional Office Contact Information

If you have any questions about this notice, you can contact the local DEQ office at (XXX)XXX-XXXX or feel free to contact me at (XXX)XXX-XXXX.

Sincerely,

[Applicant Name]

APPENDIX F
F (i.) ANIMAL WASTE TRANSFER – RECIPIENTS (END-USERS)
RECORDKEEPING FORM (FOR USE BY PERMITTED AFO OWNER)

APPENDIX G
ANIMAL WASTE END-USER FACT SHEET AND RECORDKEEPING FORMS

G (i.) ANIMAL WASTE FACT SHEET

[digital copy on [DEQnet](#)]

APPENDIX G

G (ii) END-USER RECORDKEEPING FORMS

{ THE END-USER RECORDKEEPING FORMS MUST ACCOMPANY ANIMAL WASTE FACT SHEET }

End-User Animal Waste Transfer Record

This record must be maintained by the end-user for at least three (3) years from the date of the waste transfer.

SOURCE INFORMATION: Animal Feeding Operations Owner/Permittee			
DEQ Permit #: _____			
Name: _____		Business Name: _____	
Mailing Address: _____			
Street	City	State	Zip

Date(s):	Amount:	<input type="checkbox"/> Gallons	Waste Analysis N-P-K (available - lbs/gal or ton):
		<input type="checkbox"/> Tons	
Locality where litter will be utilized or stored:			Nearest Stream or Waterbody to Land Application or Storage Area:
Town or City	Zip		
Final Use of Waste: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify):			

Date(s):	Amount:	<input type="checkbox"/> Gallons	Waste Analysis N-P-K (available - lbs/gal or ton):
		<input type="checkbox"/> Tons	
Locality where litter will be utilized or stored:			Nearest Stream or Waterbody to Land Application or Storage Area:
Town or City	Zip		
Final Use of Waste: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify):			

SOURCE INFORMATION: Animal Feeding Operations Owner/Permittee			
DEQ Permit #: _____			
Name: _____		Business Name: _____	
Mailing Address: _____			
Street	City	State	Zip

Date(s):	Amount:	<input type="checkbox"/> Gallons	Waste Analysis N-P-K (available - lbs/gal or ton):
		<input type="checkbox"/> Tons	
Locality where litter will be utilized or stored:			Nearest Stream or Waterbody to Land Application or Storage Area:
Town or City	Zip		
Final Use of Waste: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify):			

Date(s):	Amount:	<input type="checkbox"/> Gallons	Waste Analysis N-P-K (available - lbs/gal or ton):
		<input type="checkbox"/> Tons	
Locality where litter will be utilized or stored:			Nearest Stream or Waterbody to Land Application or Storage Area:
Town or City	Zip		
Final Use of Waste: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify):			

